

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58613 of 2022

Arising Out of PS. Case No.-346 Year-2021 Thana- BYPASS District- Patna

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GOLU KUMAR @ GOLU PATEL ARVIND KUMAR @ ARVIND KUMAR
KANHEYA BAHARI BEGAMPUR (BAHARI DHAWALPUR), P.S-
BYPASS, DISTT.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66624 of 2022

Arising Out of PS. Case No.-346 Year-2021 Thana- BYPASS District- Patna

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ROHIT KUMAR @ DABLA S/o Yogendra Choudhary R/v- Bahari
Begampur, Sidhe Bazar, P.S.- Bypass, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 58613 of 2022)

For the Petitioner/s : Mr. Nityanand Kumar, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 66624 of 2022)

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-03-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the
offences punishable under Sections 363, 365 and 120(B) of the
Indian Penal Code but the police submitted charge sheet under
Sections 302, 120(B) of the Indian Penal Code and Under



Section 27 of the Arms Act.

According to prosecution case, the son of the informant is said to have been abducted and killed by the petitioners and their associates.

Learned counsel for the petitioners submits that the petitioner namely, Golu Kumar @ Golu Patel has clean antecedent and the petitioner namely, Rohit Kumar @ Dabla has one criminal antecedent. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case only on the basis of suspicion. He further submits that in fact the informant is not an eyewitness of the alleged occurrence and the name of the petitioners have been transpired on the basis of confessional statement of co-accused namely, Sagar. He further submits that except the confessional statement of co-accused persons, no other cogent material has come during investigation against the petitioners. He further submits that similarly situated, co-accused, namely, Bajrangi Kumar @ Bajrangi Patel has been granted bail by a co-ordinate Bench of this Court vide order dated 18.07.2022 passed in Cr. Misc. No. 12439 of 2022, co-accused namely, Gollu Kumar @ Arya @ Rajnish has been granted bail vide order dated 18.07.2022 passed in 14570 of 2022, co-accused namely, Rohit Kumar has



been granted bail by this court vide order dated 20.07.2022 passed in Cr. Misc. No. 3379 of 2022. The police after investigation submitted the charge sheet against the petitioners and the petitioners are in custody since 28.08.2021.

The learned Additional Public Prosecutor for the State opposed the prayer of bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bypass P.S. Case No.346 of 2021 (S.Tr. No. 750/2022), subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent,



the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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