

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 73225 of 2023**

Arising Out of PS. Case No.-149 Year-2023 Thana- AMNAUR District- Saran

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GOLU KUMAR @ GAURAV KUMAR SON OF DILIP KUMAR SINGH  
RESIDENT OF VILLAGE - AND PO- DHARHARA KALA, PS-  
AMNOUR, DISTT- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      23-11-2023                      Heard Mr. Krishna Pd. Singh, learned Senior  
  
Counsel for the petitioner and the State.

2. The petitioner is in custody in connection with Amnour P.S. Case No. 149 of 2023 for the offence under sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code later on section 302 of the IPC was added lodged on 29.06.2023 by the informant, Adil Rai.

3. As per the prosecution story, the informant while returning from Shraddha Karma near Panchayat Bhawan, intercepted by the accused persons and the allegation is against Rupesh Kumar that he gave knife blow, Dilip Kr. Singh gave lathi blow on the head, Saurabh assaulted by pistol 'butt' while against this petitioner, the allegation is of assaulting by 'lathi'



and lastly, Meera Devi hold his hand. The injured was shifted to Primary Health Centre and then to the PMCH where the father of the informant died and then the section 302 of the IPC added.

4. Learned Senior Counsel for the petitioner submits that it is a matter of case and counter case and the case of the petitioner is Amnour P.S. Case No. 150 of 2023 and in that case, the allegation is that this petitioner was brutally assaulted, shifted to Primary Health Centre and from there to the Ford Hospital where he remained for treatment between 29.06.2023 to 12.07.2023. Later, from the same place, he was arrested on 13.07.2023 (as stated in paragraph 15 of the petition) and is in custody since then.

5. The last submission is that he is nineteen years of age and was a candidate for JEE examination and his continuous judicial custody will hamper his educational journey.

6. Learned APP, on the other hand, opposes the prayer for bail stating that all the accused persons resorted to assault which resulted into the death of the informant's father.

7. Taking into account the submissions put forward by the parties as also the allegation that has come against the petitioner which is omnibus in nature of assault by 'lathi', specific allegation is there against Rupesh, Dilip and Saurabh,



he is a boy of nineteen years, is in custody since 13.07.2023 and as per paragraph 13 of the petition, he is a meritorious student, keeping in jail for long may not be fruitful in the larger interest and in that background, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM IX, Saran, in connection with Amnour P.S. Case No. 149 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty  
to take steps for cancellation of his bail bonds.

9. With the aforesaid observations, the bail application  
is allowed.

**(Rajiv Roy, J)**

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