

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32651 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- KANKARBAG District- Patna

Golu Kumar @ Pankaj Kumar, Son of Nawal Prasad, Resident of village - Harla, P.S.- Kadiriganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Shilpi Keshri, Advocate Mr. Suryajit Prakash, Advocate Ms. Akansha Verma, Advocate Mr. Chandra Shekhar, Advocate Mr. Ripu Raj, Advocate
For the State	:	Mr.Bhanu Pratap Singh, APP
For the Informant	:	Mr. Rajesh Ranjan, Advocate Md. Farooq, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. In the present case, the petitioner is apprehending his arrest in connection with Kankarbag P.S. Case No. 17 of 2024 registered for the alleged offences under Sections 302/201/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner called out the brother of the informant from his house on pretext of taking him on a tour on his Scorpio vehicle and the petitioner is stated to be the driver of the vehicle. Later on, the informant came to



know that his brother died and his dead body was left in the vehicle outside the police station by the petitioner and other co-accused persons.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The prosecution case has been filed misrepresenting the facts as the vehicle in question met with an accident while it was being driven by co-accused Amit Kumar and it ran into a divider. The petitioner and other co-accused persons tried to get the brother of the informant and another co-accused, who received serious injuries treated in Jeewan Deep Hospital, but the treatment was denied stating it to be a police case due to accident. The petitioner started feeling dizziness and he went out to get a bottle of water when all the accused persons fled away from the vehicle leaving the deceased. Thereafter, the petitioner went to nearby police station, parked the vehicle and out of fear and nervousness, left the police station. The learned counsel further submits that it was a case of pure accident and there was no quarrel or enmity between the petitioner and the deceased or their families. Hence, there could be no application of Section 302 IPC. The learned counsel further submits that the occurrence was reported in the newspaper with details of



accident. The petitioner is having clean antecedent.

5. Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the informant submits that for better appreciation of the case, the case diary is required. The learned counsel further submits that from the contents of the FIR, it is apparent that the petitioner called out the brother of the informant from his house on pretext of taking a tour on his Scorpio vehicle and, thereafter, the informant came to know that his brother died and the petitioner and other co-accused persons ran away from the spot leaving his dead body in the vehicle.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact about voluntary act of the brother of the informant accompanying the petitioner and other co-accused persons and possibility of their vehicle meeting with an accident and further considering the strong possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of learned Judicial Magistrate-1st Class,
Patna, in connection with Kankarbag P.S. Case No. 17 of 2024,
subject to the conditions mentioned in Section 438(2) of the
Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of
the petitioner.
- (ii) The petitioner will remain present on each
and every date fixed by the court below, if so
required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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