

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.642 of 2024

Arising Out of PS. Case No.-999 Year-2022 Thana- BIHTA District- Patna

Golu Kumar Son Of Brij Bihari Rai Resident Of Village - Suarmarwa, Police
Station - Maner, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Purusottam Kumar, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 19-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Bihta P.S. Case No. 999 of 2022 dated 20.09.2022, instituted for the offence punishable under Sections 147, 148, 149, 307, 379, 120(B), 160, 216 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. On 29.09.2022 at about 11:40 am informant got information that at Sone Diara near Kawariya Ghat firing is going on between two groups to assert supremacy over sand mining. When the informant reached the place of occurrence, all of them fled away. Local *chowkidar* and villagers named all the F.I.R. named accused persons including the petitioner and in cross firing, four persons were killed.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that petitioner is not named in the F.I.R.. The present F.I.R. is against 20 named and 25.-30 unnamed accused persons. During the investigation 19 persons have been made accused in this case including the petitioner. It is submitted that no incriminating articles were recovered from the conscious possession or from the house of the petitioner. It is submitted that one co-accused, namely, Anish Kumar has been granted bail *vide* order dated 18.10.2023 passed in Criminal Miscellaneous No. 65028 by this Court and other co-accused persons have been granted bail by different Benches of this Court annexed as Annexure-P2 series. Lastly, it has been submitted that he has three criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Bihta P.S. Case No. 999 of 2022, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of the learned A.C.J.M.-I, Danapur, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

- 1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- 2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
- 3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
- 4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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