

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3490 of 2025

Arising Out of PS. Case No.-302 Year-2024 Thana- AGAMKUAN District- Patna

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Golu @ Sepu, Son of Amresh Prasad Sharma, Resident of Village- Jamalpur,
P.S. - Athmalgola, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate

Mr. Kumar Rajdeep, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 05-02-2025 Learned Advocate for the petitioner seeks permission to make necessary correction in the name of the petitioner, during the course of the day.

2. Permission is accorded.

3. Heard Mr. N. K. Agrawal, learned Senior Advocate for the petitioner and learned APP for the State.

4. The petitioner seeks regular bail, who is in custody in connection with Agamkuan P.S. Case No. 302 of 2024 registered for the offences punishable under Sections 323, 324, 341, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

5. Based upon the fardbeyan, the informant alleges that he was a renter in the house of one Arvind Singh, where other tenants also reside. Three months ago, one of the tenant came in inebriated condition and started abusing and assaulting



him. The informant made a complaint to the owner of the house. On 02.04.2024, six unknown persons came at the room of the informant, out of whom one of the person fired upon him, which bullet hit to the head of the cousin of the informant and all the six accused persons fled away after committing such crime.

6. Learned Senior Advocate for the petitioner contended that admittedly the F.I.R. has been instituted against unknown miscreants, however, only on account of the fact that earlier altercation took place with the petitioner, while he was also residing as a tenant in the said house that too three months prior to the present occurrence, the name of the petitioner has been implicated in this case. The police during the course of investigation also apprehended the co-accused persons, including one Ritesh Kumar, who disclosed the name of the petitioner. Save and except the confessional statement and suspicion, there is no material suggesting the complicity of the petitioner in the crime. It is the admitted fact that the petitioner was a tenant in the house of the informant and if the petitioner had been involved in such crime, the informant would have definitely disclosed the name of the petitioner in the fardbeyan itself, is the contention of the learned Senior Advocate. The petitioner bears fair antecedent and now he has been



incarcerated since 15.07.2024.

7. On the other hand, learned APP for the State vehemently opposes the bail application and submits that from perusal of the materials, complicity of the petitioner cannot be denied.

8. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the confessional statement, there is no material suggesting the complicity of the petitioner in the crime, coupled with the fair antecedent and his period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Patna City, Patna in connection with Agamkuan P.S. Case No. 302 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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