

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 40957 of 2016

Arising Out of PS.Case No. -50 Year- 2016 Thana -GOREYAKOTHI District- SIWAN

=====

Krishna Singh Son of late Tarak Nath Singh Resident of Village: Dudhra
Subaka tola, PS Goreya Kothi, District Saran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Kumar Vikramdeo Singh
Mr. Sada Nand Roy
For the Opposite Party/s : Mr. Ataur Rahman
Mr. Sudesh Pandey
Mr. Ajay Kumar Tiwary

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 06-10-2016 Heard Sri Kumar Vikramdeo Singh, learned counsel
assisted by Sri Sada Nand Roy, learned counsel for the petitioner,
learned Addl. Public Prosecutor as well as Sri Sudesh Pandey,
learned counsel assisted by Sri Ajay Kumar Tiwary, learned
counsel, who has voluntarily appeared on behalf of informant.

The sole petitioner, who is in custody in Goreya Kothi
P.S. Case No. 50 of 2016 registered for offence under Sections
147, 148, 149, 341, 323, 324, 325, 307, 504, 506 of the Indian
Penal Code and subsequently, Section 302 of the Indian Penal
Code was added, has prayed for grant of bail, primarily on the
ground that both sides are *gotiyas* and dispute in between the
parties is going on. Even the informant side of the present case

were aggressor and as such, the petitioner, being informant, had lodged an F.I.R., vide Goreya Kothi P.S. Case No. 49 of 2016, which was registered on 09-05-2016. One day thereafter, the present F.I.R. was lodged.

It was argued by learned counsel for the petitioner that initially, the case was registered for offence under Section 307 & other allied Sections of the Indian Penal Code, however; at much belated stage i.e. about two months from the date of occurrence, the injured died and thereafter, Section 302 of the Indian Penal Code has been added. By way of referring to present F.I.R., it was argued by learned counsel for the petitioner that even in the F.I.R., allegation was made that petitioner had given blow by his feet on the head of the deceased.

Sri Pandey, learned counsel for the informant has vehemently opposed the prayer for bail. He submits that it is a case of Section 302 of the Indian Penal Code and as such, liberal approach may not be taken.

Keeping in view the fact that there was case and counter case in between the parties and first case was registered, as per information given by the petitioner, there is no reason to further detain the petitioner.

Let the petitioner namely Krishna Singh be enlarged

on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Manoj Kumar, Judicial Magistrate 1st Class, Siwan in connection with Goreya Kothi P.S. Case No. 50 of 2016.

(Rakesh Kumar, J.)

Anay

U		T	
---	--	---	--