

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40652 of 2016

Arising Out of PS.Case No. -395 Year- 2015 Thana -BALIA District- BEGUSARAI

Raju Kumar Son of Indradeo Singh resident of Village Rahatpur P.S Baliya District Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 05-10-2016 Heard Sri Bikramdeo Singh, learned counsel who was assisted by Sri Sada Nand Roy, learned counsel for the petitioner , learned Additional Public Prosecutor as well as Sri Dharamveer , learned counsel who has voluntarily appeared on behalf of the informant.

The sole petitioner, who is in custody since 12.6.2016 in Ballia P.S. Case No. 395 of 2015 earlier registered for the offence under Section 341, 323, 324, 325, 147, 148, 149, 307 of the Indian Penal Code and subsequently Section 302 of the Indian Penal Code and 27 of the Arms Act was added has prayed for grant of bail.

By way of referring to the F.I.R. learned counsel for the petitioner submits that in land dispute occurrence had taken

place in between two gotiyas. He submits that from the petitioner's side also brother of the petitioner has lodged an F.I.R. vide Baliya P.S. Case No. 394 of 2015 for the offences under Section 307 and other allied sections of the Indian Penal Code . He submits that there was no intention to kill however assault was made by accused persons. Only allegation against the petitioner is that he used lathi in the occurrence. He submits that in the post mortem examination report only one injury has been found on the head of the deceased.

Learned Additional Public Prosecutor as well as Sri Dharamveer, learned counsel for the informant, have vehemently opposed prayer for grant of bail

Keeping in view the fact there was case and counter case in between the parties and there is no specific accusation against the petitioner, there is no reason to detain the petitioner. Let the petitioner Raju Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Begusarai / concerned court in connection with Ballia P.S. Case No. 395 of 2015.

(Rakesh Kumar, J)

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