

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45375 of 2016

Arising Out of PS.Case No. -41 Year- 2016 Thana -BHEJA District- MADHUBANI

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1. Umesh Prasad Singh son of Late Sarv Narayan Singh resident of village
Rahua Sangram, Tola Nandanpur, P.S. Bheja, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Poonam Singh

For the Opposite Party/s Mr. Sri Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

10/ 19.07.2017 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State assisted by learned counsel for
the informant.

Petitioner is in jail custody since 2.9.2016 in a case initially,
registered under section 307 and other minor sections of the IPC but
near about 55 days of the institution of the FIR when injured Barun
Kumar Singh died section 302 of the IPC was also added.

The allegation against the petitioner is that he assaulted the
deceased Barun Kumar Singh by means of iron rod as a result whereof
Barun Kumar Singh sustained injury on his head and his eyebrow.

The contention on behalf of the petitioner is that there is
case and counter case between the parties and the counter case goes to
show that this petitioner also sustained injury which is evident from
annexure 5 of the supplementary affidavit. Learned counsel for the
petitioner further submits that if facts of both cases are taken into



consideration together, only conclusion comes that the alleged occurrence took place on the spur of the moment and free fight took place between the parties.

No doubt, post mortem report of the deceased reveals that deceased received fatal head injury but admittedly, investigation against the petitioner has already been completed and up till now, cognizance could be taken against him.

Considering the aforesaid facts and circumstances as well as the period of detention of the petitioner in jail custody, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate, Jhanjharpur in Bheja P.S. Case no. 41/2016 subject to condition that if he makes an attempt to tamper with the prosecution evidence, prosecution shall be at liberty to file petition for cancellation of bail bonds and if the prosecution does so, the concerned court pass appropriate order on the petition after due and proper enquiry.

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(Hemant Kumar Srivastava,J)

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