

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31323 of 2011
Gonga Rai @ Goga Rai
Versus
The State Of Bihar

03/ 30.11.2011

Heard learned counsel for the petitioner as well as learned

Addl. Public Prosecutor for the State.

Petitioner is in jail custody since 3.2.2011 in a case initially, registered under section 307 and other minor sections of the IPC but subsequently, it was converted under section 302 of the IPC.

Learned counsel for the petitioner submits that according to the prosecution case itself alleged occurrence took place on 26.1.2011 and the present case was lodged on 27.1.2011 whereas the informant died on 10.2.2011. It is also contended by him that injury report of the informant which has been incorporated at para 7 of the case diary as well as post mortem report of the deceased which has been incorporated in para 40 of the case diary are quite different because as per injury report of the informant he has received only two injuries whereas in course of post mortem examination altogether seven injuries were found on his person. It is further contended by him that even if prosecution story assumed to be true, then also, there was no intention of the petitioner to commit murder of the deceased.

Taking into consideration the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, Gonga Rai @ Goga Rai, 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 Chief Judicial Magistrate, Patna in Gardanibagh

P.S. Case no. 23/2011.

shahid

(Hemant Kumar Srivastava,J)

