

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.70749 of 2018

Arising Out of PS. Case No.-431 Year-2018 Thana- JAGDISHPUR District- Bhagalpur

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1. Devendra Kumar Goswami @ Devendra Goswami, Son of Shivjee Goswami.
 2. Mantoo Mandal, Son of Late Bhutki Mandal. Both are the resident of Village- Mohanpur, P.S.- Goradih, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Adv

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-12-2018 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 109, 120B, 307, 323, 324, 341, 354B, 379, 448 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the Fardbeyan of Basuki Goswami, recorded by ASI Bijay Kumar Sinha of Goradih Police Station at J.L.N.M.C.H. Mayanagar, is to the effect that in the night of 05.09.2018, the accused persons entered into the house of the informant and started abusing him. It is alleged that co-accused, Pawan Mandal and petitioner no. 1, Devendra Kumar Goswami dragged the informant. Thereafter



the accused persons including the petitioners entered into the room of the wife and daughter of the informant and started misbehaving with them. It is further alleged that on the order of Akshay Mandal, co-accused Pawan Mandal resorted to fire upon the informant which hit on him on his left hand thereafter co-accused, Tuntun Mandal fired on the abdomen of the informant.

It is submitted by learned counsel for the petitioners that the specific accusation of firing has not been levelled against the petitioners, rather it is levelled against co-accused, Tuntun Mandal and Pawan Mandal. For the occurrence of 05.09.2018 at 11.00 P.M., the Fardbeyan was recorded on 06.12.2018 at 7.00 P.M., though it came to be registered as P.S. Case on the same day at 10.15 P.M., but it reached to the Court of learned CJM on 07.09.2018. The accusation has been levelled in the background of land dispute. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the ptitioners.

Considering the fact that specific accusation of firing is against co-accused, Pawan Mandal and Tuntun Mandal,



coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Bhagalpur in connection with Jagdishpur (Goradih) P.S. Case No. 431 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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