

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1105 of 2020

Arising Out of PS. Case No.-33 Year-2016 Thana- SC/ST District- Jehanabad

1. Mahesh Goswami, aged about 65 years, Gender-Male, S/o Late Baburam Goswami, Resident of Village- Madarpur, Post- Kazisarai, Qazi Sarai, P.S.- Kako, Distt- Jehanabad.
2. Aditya Kumar @ Aditya Goswami, aged about 20 years, Gender-Male, S/o Mahesh Goswami, Resident of Village- Madarpur, Post- Kazisarai, Qazi Sarai, P.S.- Kako, Distt- Jehanabad.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants : Mr.Pritish Kumar Lal, Advocate.
For the Respondent : Mr.Binay Krishna, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with Jehanabad SC/ST P.S. Case No. 33 of 2016, registered for the offences under Sections 341, 323, 307, 504/34 of the IPC and 3(i)(va) of the SC/ST (POA) Amendment Act, 2016.

The prosecution case, in short, is that on 09.11.2016, while the informant’s sister Rekha Kumari was sitting on the



boundary, co-accused Gango Devi came there and due to previous enmity, Gango Devi started abusing by calling her caste name as *Pasin* and caught her hair and assaulted with fists and slaps. Thereafter Mahesh Goswami (appellant no. 1), Kaushal Goswami, Srikant Goswami and Aditya Kumar (appellant no. 2) came armed with Lathi, Danda and Iron rod and assaulted Rekha Kumari causing head injury. The mother and brother of the informant also sustained injuries. Co-accused Kaushal Goswami assaulted with rod on the head of Rekha Kumari causing head injury. Thereafter they fled away. The injured were admitted at Sadar Hospital, Jehanabad for treatment and from there Rekha Kumari was referred to Patna.

It has been submitted on behalf of the appellants that they have got no criminal antecedent. The appellants have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. There is case and counter case between the parties. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the



order dated 17.02.2020, passed by learned Additional District and Sessions Judge-I, Jehanabad, in connection with Jehanabad SC/ST P.S. Case No. 33 of 2016, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Additional District & Sessions Judge-I, Jehanabad, in connection with Jehanabad SC/ST P.S. Case No. 33 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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