

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2135 of 2020

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

Kaushal Goswami @ Kaushal Kumar, Son of Mahesh Goswami, Resident of Village- Madarpur, Post- Kazisarai, Qazi Sarai, P.S.- Koko, District- Jehanabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. S.K. Lal, Advocate Mr. Pritish Kumar Lal, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 12-04-2021 Heard learned counsel for the appellant and learned counsel for the State.

This appeal has been filed against the order dated 17.02.2020 passed by learned Additional District & Sessions Judge-1, Jehanabad in Jehanabad SC/ST P.S. Case No. 33 of 2016, registered for the offence punishable under Sections 341, 323, 307, 504 and 34 of the Indian Penal Code and Sections 3(i) (va) of SC/ST (Prevention of Atrocities) Act by which the prayer of the appellant for grant of anticipatory bail has been rejected.

The specific allegation against the appellant is to have assaulted by rod on the head of Rekha Kumari causing head injury, however, counsel for the appellant submits that there is



case and counter case between the parties and the informant's side has also assaulted the appellant's side. He submits that since the co-accused Mahesh Goswami and Aditya Kumar have already been granted bail by a coordinate Bench of this Court vide order dated 25.06.2020 passed in Cr. Appeal (SJ) No. 1105 of 2020, as such, he should also be given the same benefit, but in the present case, there is direct allegation against the appellant to have assaulted by rod on the head of Rekha Kumari causing head injury and the injury report also corroborates the same.

Looking to the entirety, this Court is not inclined to grant anticipatory bail to the appellant.

Accordingly, the prayer for bail is rejected.

However, if the appellant surrenders before the Court below and prays for regular bail, the Court below will consider the same and pass appropriate order without being influenced by the order of this Court.

(Shivaji Pandey, J)

V.K.Pandey/-

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