

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25729 of 2022

Arising Out of PS. Case No.-162 Year-2019 Thana- BARARI District- Katihar

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MUKESH KUMAR GOSWAMI @ BABLOO GOSWAMI S/o Late
Panchanand Goswami Resident of Village- Bakia Sukhay, P.S.- Barari,
District- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alka Singh

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 31-08-2022 Learned counsel for the petitioner is permitted to

remove defect (s), as pointed out by the office, if any, within a

period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned

A.P.P for the State.

The petitioner has preferred this application for grant

of regular bail in a case registered under sections 341, 323, 324,

307, 379, 506 read with 34 of the Indian Penal Code.

As per the prosecution case, the petitioner and co-

accused persons entered the house of the informant while she

along with her husband and children was sleeping and the

petitioner assaulted the informant's husband with an iron Khanti.

The co-accused persons gagged the informant's mouth. The



accused persons fled away after threatening them. Golden Chain and cash of Rs. 5,000/- were also snatched by the informant's husband.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is accused in one more criminal case as stated in para 3 of the bail petition. The petitioner is cousin father-in-law of the informant. There is no allegation of indiscriminate assault against the petitioner though there are six multiple injuries. Proper dimension of three injuries has not been mentioned in the injury report. The petitioner is in custody since 07.01.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that there is specific allegation against the petitioner as there are six multiple injuries found on the informant's body. The subsequent injury report shows fractures of Mandible, Sinus and Facial Bones. The injuries are stated to be grievous in nature.

Considering the aforesaid facts and circumstances of the case as well as the period of detention, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond



of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Katihar, in connection with Barari P.S. Case No. 162 of 2019, with following conditions:-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

2. If the petitioner is found involved in any other criminal case in future, his bail bond is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

shobhakri/-

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