

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65824 of 2021

Arising Out of PS. Case No.-165 Year-2020 Thana- KHUTAUNA District- Madhubani

ROUSHAN GOIT @ ROUSHAN KUMAR GOEET Son of Jibachh Goet
Resident of Village - Hudra, P.S. - Khutauna, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Kumar

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 31-08-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Khutauna P.S. Case No. 165/2020 registered for the offences punishable under Sections 341, 323, 302 and 34 of the Indian Penal Code.

As per prosecution case, there is accusation against the petitioner and others armed with weapon came at door of the informant and told him to vacate the land, otherwise they would kill one by one. It is alleged that the petitioner assaulted the deceased by iron rod on her breast and other parts of body, the deceased became senseless and during course of treatment, she died.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case due to dirty village politics. Nothing has been recovered from the possession of the petitioner. The petitioner is languishing in custody since 18.08.2021 and bears no criminal antecedent. Learned counsel for the petitioner further submits that there is land dispute between the parties. Falsity of the case is evident from bare perusal of the postmortem report of the deceased (informant's mother) wherein the doctor has not found any external or internal injury on the person of deceased and the cause of death is sudden cardiac arrest due to failure. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, namely, Jeevachh Goit, Deepak Kumar and Rowan Goit @ Roman Kumar have already been granted anticipatory bail by the co-ordinate Bench of this Court vide Cr. Misc. No.70797/2021 and the case of present petitioner stands on more or less similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the



prosecution evidence, argument advanced on both sides, the allegation made in the FIR is not consistent with the postmortem report and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-3rd, Jhanjharpur, Madhubani in connection with Khutauna P.S. Case No. 165/2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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