

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17274 of 2023

Arising Out of PS. Case No.-224 Year-2022 Thana- DHURAIYA District- Banka

1. BABLU GOSWAMI S/O LATE RAJENDRA GOSWAMI Resident of Village- Kushmaha, P.S.- Dhoraiya, P.O.- AHiro, District- Banka.
2. DILIP GOSWAMI S/O SIYA SHARAN GOSWAMI Resident of Village- Kushmaha, P.S.- Dhoraiya, P.O.- AHiro, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Dhoraiya P.S. Case No. 224 of 2022 for the offence registered under sections 341, 323, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code lodged on 07.06.2022 by the informant, Suman Kapri.

It is alleged in the FIR that on 07.06.2022, at evening. the wife of informant, namely, Sanju Devi was sitting at the door of her house, in the meantime, the petitioners came and assaulted her with intent to outrage her modesty resultant to which, she sustained bleeding injury on her head. It is further



alleged that when the informant Suman Kapri came to her rescue, he was also assaulted by the petitioners with iron-rod causing bleeding injury on his head. It is further alleged that in the process of assault, petitioner no. 1 and one Balmiki Goswami snatched away a silver chain from the neck of the wife of informant and also took Rs. 250/- from the pocket of informant. It is also alleged that when other family members of informant came to his rescue, they were also assaulted by all accused-petitioners. Accordingly, the FIR.

Learned counsel for the petitioners submit that there is an omnibus allegation against the accused persons. There is case and counter case, the two petitioners do not have criminal antecedent.

The last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 10,000/- each totaling Rs. 20,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.



Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Taking into account the fact that both of them do not have criminal antecedent, there is a case and counter case and omnibus allegation of assault on both the petitioners, this Court is inclined to grant them privilege of anticipatory bail subject to payment of Rs. 20,000/- as stated above.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Dhoraiya P.S. Case No. 224 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;



(iii) the petitioners shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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