

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22757 of 2023

Arising Out of PS. Case No.-385 Year-2022 Thana- KATEYA District- Gopalganj

1. RAHUL GOSWAMI Son of Baijnath Goswami R/V- Bhat Poiya, P.S- Kateya Dist- Gopalganj
2. Baijnath Goswami son of Late Padum Goswami R/V- Bhat Poiya, P.S- Kateya Dist- Gopalganj
3. Prem Kumari Devi Wife of Baijnath Goswami R/V- Bhat Poiya, P.S- Kateya Dist- Gopalganj
4. Tinku Mishra Son of Manager Mishra R/V- Puraina Gopalganj, P.S.- Bijaipur, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-08-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506, 34 of the Indian Penal Code.

3. Allegedly, having conspiracy, all the accused persons including these petitioners are said to have abused and assaulted the informant with deadly weapons indiscriminately with intention to kill him.

4. It is submitted by learned counsel for the petitioners



that petitioners are quite innocent and have committed no offence. Informant is nephew of petitioner no.3. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to previous enmity. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that petitioner no.3 has performed love marriage with petitioner no.4 in 1993 and since then there was a tense relationship between both the families. Earlier, in 1993, informant side had tried to lodge an FIR against petitioner no.4, but no action has been taken against him, as petitioner no.3, who was major at that time, stated that she had performed marriage as per her sweet will. He further submits that one injury of the informant was found simple in nature, whereas the opinion regarding other injury is kept reserved due to unavailability of X-ray report of the informant. Petitioner no.3 has one criminal antecedent, whereas rest of the petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as one injury of victim was found simple in nature and opinion regarding other injury is kept reserved, let the above



named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Kateya P.S. Case No. 385 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

