

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37378 of 2023

Arising Out of PS. Case No.-251 Year-2020 Thana- KAHALGAON District- Bhagalpur

1. PRABHAT GOSWAMI @ PRABHAT KUMAR GOSWAMI Son of Anandi Goswami Resident of village - Bishanpur, P.S. - Kahalgaon (Shivnarayanpur), Distt. - Bhagalpur
2. Subodh Goswami Son of Anandi Goswami Resident of village - Bishanpur, P.S. - Kahalgaon (Shivnarayanpur), Distt. - Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishwa Bijay Kumar, Advocate
For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 21-07-2023 1. Heard the learned counsel for the petitioners and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Kahalgaon (Shivnarayanpur) PS case no. 251 of 2020, registered for the offences punishable under Section 307 and other allied sections of the Indian Penal Code.
3. At the outset, the learned counsel for the petitioners seeks to withdraw the present petition *qua* the petitioner no. 1 in order to enable him to surrender before the learned court below, within a period of four weeks from today and avail the privilege of regular bail.
4. Accordingly, the present petition stands dismissed



as not pressed *qua* the petitioner no. 1.

5. The allegation is regarding the accused persons having assaulted the father of the informant as also the informant and others, when a free fight had taken place at the field of the informant/ his father. As far as the petitioners are concerned, they are stated to have assaulted one Rampravesh by means of *farsa*, resulting in him sustaining cut injuries on his fingers and cheek.

6. The learned counsel for the petitioner submits that the petitioner no. 2 is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner no. 2 has further submitted that the injuries, if at all, sustained by the afore-said Rampravesh, attributable to the petitioner no. 2 herein, are not on vital parts and moreover, similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 26.10.2021, passed in Cr. Misc. no. 39375 of 2020.

7. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

8. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the parties and taking into account the materials available on record as also considering the fact that the petitioner no. 2 is having a clean antecedent and the injury sustained by the said Ram Pravesh, attributable to the petitioner no. 2 herein, has been found to have been inflicted on the non-vital part of the body of the said injured person, I deem it fit and appropriate to admit the petitioner no. 2 to the privilege of anticipatory bail.

9. Accordingly, the petitioner no.2, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of C.J.M., Bhagalpur in connection with Kahalgaon (Shivnarayanpur) PS case no. 251 of 2020, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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