

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38935 of 2023

Arising Out of PS. Case No.-618 Year-2022 Thana- AMARPUR District- Banka

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1. Lal Mohan Goswami, S/O of Late Bhogan Goswami, Resident of Village
Molanachak P.S Amarpur District Banka
 2. Manoj Goswami, Son of Late Bhogan Goswami, Resident of Village
Molanachak P.S Amarpur District Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Amarpur P.S. Case No. 618 of 2022 lodged on 09.11.2022 under
Sections 147, 148, 149, 341,342, 323, 325, 307, 332, 333, 353,
379, 411 of the Indian Penal Code.

3. As per the prosecution case, the First Information
Report has been lodged against eight named and 10-15
unknown with an allegation that they surrounded the informant



and one Mukesh Kumar and started brutally assaulting them with lathi and danda causing fracture injuries on their hands and legs. The accused persons also snatched the loaded pistol of the informant and recovery of the pistol has not been made as yet. Somehow, with the intervention of the nearby people they could be saved.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has committed no offense. Moreover, the accusation is omnibus and general. The informant being a police officer has implicated the petitioners with an ulterior motive. From the seizure list, it transpires that the said pistol has already been recovered. He further submits that the petitioners are in custody since 12.11.2022 and apart from the present case, the petitioners are accused in three other cases as detailed in paragraph 3 of the bail application.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the petitioners are having serious criminal antecedents.

6. In the present fact and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like



amount each to the satisfaction of learned CJM, Banka in connection with Amarpur P.S. Case No. 618 of 2022 (G.R. No. 3543 of 2022), subject to the conditions as laid down under Section 437(3) of Cr.P.C.with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, which shall be resulted in the cancellation of his bail bond.

B. One of the bailors shall be a close relative who shall file an affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of the present bail bond, violation of this condition shall result in cancellation of his present bail bond.

It is made clear that the bail bond of the petitioners shall be accepted only after verifying the factum of criminal antecedents as stated in paragraph no.3 of the bail application to the effect that they are accused in three more cases apart from the present case. If any one of the petitioners is found involved



in more than three cases, his bail bond shall not be accepted and
in that event, he will surrender and pray for regular bail.

(Dr. Anshuman, J)

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