

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59308 of 2023

Arising Out of PS. Case No.-258 Year-2017 Thana- PURNEA SADAR District- Purnia

1. Mithilesh Goswami @ Mithilesh Kumar Goswami, son of Late Chattu Goswami
2. Pappu Goswami, son of Shayamcharan Goswami @ Bhuthel Goswami
3. Dilip Goswami, son of Late Baiju Goswami
4. Subodh Goswami, son of Late Baiju Goswami.
5. Shambhu Goswami, son of Late Sahdev Goswami.
6. Gopal Goswami, son of Sundar Goswami
7. Suraj Goswami @ Suraj Kumar, son of Late Chattu Goswami.
8. Raju Goswami, son of Bhuthel Goswami
All resident of Village- Birpur Lokhra P.S.- Ranipatra (Mufassil) District-
Purnea.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nadimul Hasan, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-09-2023 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR
and apprehending their arrest in connection with Sadar
(Mufassil) P.S. Case No.258 of 2017 registered for the offences
punishable under Sections 147, 148, 149, 323, 325, 384, 447,
436, 504 and 506 of the Indian Penal Code.

3. The allegation against the petitioners is to



assault the informant and others causing bodily injuries along with other co-accused persons/family members and also to cause mischief by fire damaging the dwelling house of informant.

4. It is submitted by learned counsel that the petitioners were falsely implicated with present case, as son of informant took items equivalent to Rs.2 lakh on credit from the shop of petitioner no.2 and when demand was raised, they were falsely implicated with present case. It is submitted that allegation as to cause mischief by fire is appearing very much general and omnibus against above-named co-accused/petitioners. It is submitted that even if narration of FIR be taken into consideration on its face, it cannot be gathered *prima facie* that the house which was alleged to be put on fire was using for designated purpose as defined under Section 436 of the Indian Penal Code. It is submitted that petitioner nos. 7 and 8 are men of clean antecedent, whereas petitioner nos. 1 to 6 found involved in one more criminal case, where they are on bail.

5. Learned APP opposes the prayer for bail of the petitioners.

6. In view of the above-mentioned facts and



circumstances and by taking note of fact as the allegation against the petitioners are very much general and omnibus as to cause alleged mischief by fire, accordingly, the above-named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Sadar (Mufassil) P.S. Case No.258 of 2017, subject to the conditions as laid down under Section 438(2) of the CrPC and with further condition:-

That petitioners shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioners duly supported by the documents.

Chandra Shekhar Jha, J.)

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