

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15660 of 2024

Arising Out of PS. Case No.-410 Year-2023 Thana- SHAHKUND District- Bhagalpur

1. Avdhesh Goshwami S/o Late Bhoto Goshwami Resident of Village - Lakhani Pokhar Ratanganj, P.S.- Shahakund (Sajour), District - Bhagalpur.
2. Laxman Goshwami S/o Avdhesh Goshwami Resident of Village - Lakhani Pokhar Ratanganj, P.S.- Shahakund (Sajour), District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20935 of 2024

Arising Out of PS. Case No.-410 Year-2023 Thana- SHAHKUND District- Bhagalpur

Ram Goshwami Son of Avdhesh Goshwami Resident of vill.-Lakhani Pokhar Ratanganj, P.S.-Shahakund (Sajour), Distt.-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 15660 of 2024)

For the Petitioner/s : Mr. Chandrasekhar Sharma, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

(In CRIMINAL MISCELLANEOUS No. 20935 of 2024)

For the Petitioner/s : Mr. Chandra Shekhar Sharma, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard Mr. Chandrasekhar Sharma, learned counsel for the petitioners and Mr. Satya Nand Shukla, learned Additional Public Prosecutor for the State in Cr. Misc. No. 15660 of 2024 and Mr. Chandra Shekhar Sharma, learned counsel for the petitioner and Mr. Nirmal Kumar Sinha, learned Additional Public Prosecutor for the State in Cr. Misc. No. 20935 of 2024.



2. The petitioners are apprehending their arrest in connection with Shahkund (Sajour) P.S. Case No. 410 of 2023, F.I.R. dated 15.09.2023 for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners are said to have given mutton-rice and liquor to the informant's son, namely, Vishal Kumar and in the state of unconscious, they hanged the informant's son.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the allegation as alleged is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that from a bare perusal of the FIR it appears that the informant is not the eye witness of the alleged occurrence and merely on the basis of the suspicion and previous enmity she has implicated the petitioners in the present case. He further submits that except the suspicion, no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present case.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of



the petitioners and submits that from a bare perusal of the FIR it appears that there is specific allegation of assault is against these petitioners and apart from that the petitioners, namely, Avdhesh Goshwami and Laxman Goshwami carry one criminal antecedent other than the present one but fairly submits on the basis of the paragraph-3 of the bail petition that the petitioners are on bail in the pending matter and petitioner, namely, Ram Goshwami has clean antecedent.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- 8th Bhagalpur in connection with Sahkund (Sajour) P.S. Case No. 410 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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