

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37691 of 2024

Arising Out of PS. Case No.-353 Year-2023 Thana- UDAKISHUNGANJ District-
Madhepura

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Pankaj Goshwami @ Pankaj Kumar Gomani @ Pankaj Kumar Gemami Son
of Late Srikant Goshwami Resident of Village - Pipra Karauti, Ward No.- 01,
P.S.- Udakishunganj, District – Madhepura. Petitioner/s
Versus

The State of Bihar Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-10-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Udakishunganj P.S. Case No. 353 of 2023 instituted under Sections 302, 120(B) and 506 of the Indian Penal Code and section 27 of the Arms Act lodged on 16.11.2023 by the informant, Bechan Goswami.

3. As per the prosecution story, the informant alleged that while his son was going towards field, the accused persons including the petitioners herein surrounded in and on the order of Pawan Goswami, Chandan and Natwar Choudhary opened fire, causing injury to him. He was taken to Udakishunganj hospital and then to Madhepura but was declared dead. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the F.I.R. would show that specific allegation is against Natwar Choudhary and Chandan of opening fire which



proved fatal. This petitioner has no role to play, implicated only in an exaggerated F.I.R. Further, learned counsel undertakes that the petitioner will be diligently appearing in trial.

5 Learned APP, Mr. Bharat Bhushan, opposes the prayer submitting that the allegation is that all accused conspired which led to the killing.

6. The specific allegation is against Pawan Goswami, Chandan and Natwar Choudhary of being order giver/persons who opened fire. The conspiracy angle has been attributed to this petitioner. Taking into account the aforesaid facts, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Udakishunganj P.S. Case No. 353 of 2023 to the satisfaction of learned A.C.J.M.-I, Udakishunganj, Madhepura subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for the next one year to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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