

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35034 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- GAYA KOTWALI District- Gaya

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1. Arjun Goswami Son of Gauri Shankar Goswami R/O Mohalla- Paro Gali, Near Ramshila Pahad, P.S.- Kotwali Dist.- Gaya
 2. Kaushalya Devi wife of Arjun Goswami R/O Mohalla- Paro Gali, Near Ramshila Pahad, P.S.- Kotwali Dist.- Gaya
 3. Deepak Kumar Son of Arjun Goswami R/O Mohalla- Paro Gali, Near Ramshila Pahad, P.S.- Kotwali Dist.- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Adv.
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-05-2024 Heard Mr. Priya Ranjan, learned counsel for the
petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Kotwali P.S. Case No. 2 of 2024 registered for the offences punishable under Section 376 of the Indian Penal Code.

3. Allegedly, one Azad Goswami, son of petitioner nos. 1 and 2 and brother of petitioner no.3, sexually assaulted the informant on the pretext of marriage since 2021 but, later on, refused to solemnize marriage resulting into lodging of the FIR.

4. It is contended on behalf of the petitioners that



barring the petitioners being parents and brother of co-accused Azad Goswami, there is no material suggesting that they had in anyway participated in the crime. It is further contended that even as per the FIR, it is evident that the informant and Azad Goswami were major and the relationship was a consensual. Be that as it may, the petitioners undertake that they will fully cooperate in the investigation or in the proceeding of the Court. Apart from the afore-noted facts, the petitioners are persons of clean antecedent except petitioner no.3, who bears one criminal antecedent in which he is on bail.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the role of the petitioners cannot be ruled out being family members of main accused Azad Goswami.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation against the petitioners, which *prima facie* does not disclose any complicity, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief



Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 2 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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