

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50909 of 2024

Arising Out of PS. Case No.-423 Year-2023 Thana- CHAUTHAM District- Khagaria

1. Dablu Goswami Son Of Vakil Goswami Resident Of Village- Lagama, P.S. - Chautham, District Khagaria
2. Kuldeep Goswami Son Of Late Bahadur Goswami R/O Village- Lagama, P.S.- Chautham, Dist- Khagaria
3. Rajbali Goswami Son Of Vakil Goswami R/O Village- Lagama, P.S.- Chautham, Dist- Khagaria
4. Phola Goswami @ Phulo Goswami Son Of Late Bahdur Goswami R/O Village- Lagama, P.S.- Chautham, Dist- Khagaria
5. Saurabh Goswami Son Of Kuldeep Goswami R/O Village- Lagama, P.S.- Chautham, Dist- Khagaria
6. Munna Goswami Son Of Ravindra Goswami R/O Village- Lagama, P.S.- Chautham, Dist- Khagaria
7. Bambam Goswami Son Of Vakil Goswami R/O Village- Lagama, P.S.- Chautham, Dist- Khagaria
8. Abhishek Goswami Son Of Phola Goswami @ Phulo Goswami R/O Village- Lagama, P.S.- Chautham, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Chautham P.S. Case No. 423 of 2023 dated 20.12.2023,
instituted for the offence punishable under Sections 147, 149,
341, 323, 307, 325, 504 and 506 of the Indian Penal Code.



3. The prosecution case, in brief, is that the informant was laying bricks in the Community Hall with intention to grab the land. Seeing this, his brother Naresh Goswami came to abstain him from doing so. On 20-12-2023 at about 06.00 A.M. suddenly F.I.R named nine accused persons including petitioners came with .303, *lathi* in his hand and started abusing his brother Naresh Goswami. When the informant went to pacify the matter, all the accused persons surrounded him. Dabloo Goswami and Bambam Goswami pointed .303 towards him and ordered to shoot. Thereafter, all the accused persons started assaulting him. The informant tried to save his brother but Kuldeep Goswami assaulted on his right hand with *lathi* causing injury in his left arm. At the same time Dabloo Goswami assaulted on his head with .303 due to which blood started oozing out.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that there is case and counter case between the parties. It is submitted that Maya Devi mother of petitioner no. 1 has lodged a counter case bearing Chautham P.S. Case No. 422 of 2023 on 20.12.2023 under Section 307 and other allied sections of the I.P.C. The present case has also been



lodged on 20.12.2023. It is apparent from the impugned order that there is no injury report on record. It is submitted that both the parties are aganates and have compromised the case. The offence under Section 307 is not made out due to lack of any intention to kill. Lastly, it has been submitted that they have no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Chautham P.S. Case No. 423 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Khagaria, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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