

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55902 of 2024

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

Ramesh Goswami S/o Late Baijnath Goswami R/o Village Pipra Karauti
Ward No 1 PS Uda Kishunganj District Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 60827 of 2024

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

Sanjay Goswami S/o Late Baijnath Goswami R/o Village- Pipra, Karauti,
ward No.1, PS- Udakishunganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 55902 of 2024)
For the Petitioner/s : Mr. Kumari Rashmi, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP
(In CRIMINAL MISCELLANEOUS No. 60827 of 2024)
For the Petitioner/s : Mr. Kumari Rashmi, Advocate
For the Opposite Party/s : Mr. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-09-2024 Heard the parties.

2. The petitioners are in custody in connection with
S.T. No. 57 of 2024 arising out of Uda-Kishunganj P.S. Case
No. 353 of 2023 for the offence punishable 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 petitioners submit that a perusal of the FIR would show that specific allegation has been made against Pawan Goswami of being an order giver while Natwar Chaudhary and Chandan opened fire which proved fatal. So far as these petitioners are concerned, it has been alleged that they were part of the conspiracy and only because they have criminal antecedent, implicated.

5. Learned APP on the other hand submits that all these petitioners have criminal antecedent and as per the FIR, they also conspired in the alleged killing.

6. Though the allegation is there, the fact remains that main allegation is against Pawan Goswami of being an order giver while Natwar Choudhary and Chandan opened fire, these petitioners may be part of the conspiracy but that is for the



learned Trial Court to decide, considering the fact that they are in custody since 02.01.2024 (Ramesh Goswami) and 16.03.2024 (Sanjay Goswami), this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.D.J.-IX, Madhepura, in connection with S.T. No. 57 of 2024 arising out of Uda-Kishunganj P.S. Case No. 353 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relatives of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight till conclusion of the trial;

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

(Rajiv Roy, J)

Adnan/-

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