

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85038 of 2023**

Arising Out of PS. Case No.-360 Year-2020 Thana- GOGRI District- Khagaria

Suraj Keshari, Son of Raj Kishore Keshari, R/O Village- Ratan, P.S.- Gogri,
Dist.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.D. Sanjay, Sr. Advocate Mr. Lokesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-01-2024 Heard Mr. S.D. Sanjay, learned senior counsel, duly assisted by Mr. Lokesh Kumar, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Gogari P.S. Case No. 360 of 2020 registered for the offences punishable under Sections 448, 341, 323, 324, 506, 307/34 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code has been added on 12.10.2020.

3. Allegedly on account of a quarrel among the children of both sides, the F.I.R. named accused persons, including the petitioner by making an unlawful assembly came there and co-accused Raj Kishore Keshri assaulted the father-in-law of the informant by means of *Farsa*, due to which he



sustained head injury. Further co-accused Shital Keshri assaulted one Chandan @ Ajay Keshri. The omnibus allegation has also been levelled against the other accused persons, including the petitioner. Later on, the father-in-law of the informant succumbed to the injuries and consequently Section 302 of the I.P.C. has been added in the present F.I.R.

4. Learned senior counsel appearing on behalf of the petitioner submits that even as per the narratives of the F.I.R. it is evident that no specific allegation of any assault has been attributed against the petitioner. Furthermore, the police after investigation submitted final report only under Sections 341/323/506/308/304/34 of the Indian Penal Code. He next submitted that taking note of the aforesaid fact, other co-accused persons have been allowed the privilege of anticipatory bail by the learned coordinate Bench of this Court in Cr. Misc. No. 29239 of 2021 vide order dated 22.10.2021. However, he fairly submits that the petitioners of the said application were female members. Further submission has been made that in fact both the parties are Gotias and on account of a trifle, a free fight took place between both the parties, resulting into injuries to the persons of both sides, leading to institution of counter case,



bearing Gogari P.S. Case No. 361 of 2020 instituted by the mother of the petitioner against the informant and others.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submitted that the petitioner has actively participated in the crime and all the accused persons in furtherance of common intention assaulted the father-in-law of the informant, resulting into his death.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the fact that the police has submitted charge-sheet under Section 304 and other allied Sections of the Indian Penal Code, apart from the case and counter case and the fair antecedent of the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Gogari P.S. Case No. 360 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the



bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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