

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5344 of 2024

Arising Out of PS. Case No.-346 Year-2023 Thana- PHULWARIYA District- Gopalganj

1. Pintu Sharma Goswami @ Pintu Kumar Goswami Sharma S/o- Yogendra Goswami R/o Vill- Madhomath, P.S- Phulwariya, Dist- Gopalganj
2. Rahul Goswami @ Rahul Kumar Goswami Sharma S/o- Yogendra Goswami R/o Vill- Madhomath, P.S- Phulwariya, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Ram Anurag Singh,APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Phulwariya P.S. Case No. 346 of 2023 dated 27-09-2023, instituted for the offence punishable under Sections 341, 323, 325, 324, 307, 504 and 427/34 of the Indian Penal Code.

3. The case of prosecution, in short, is that while the informant along with family members were returning to their house, it is alleged that some miscreants pelted stones on his car, on account of which, his car got damaged. On query, it is alleged that petitioner no.1, namely, Pintu Sharma Goswami @



Pintu Kumar Goswami Sharma assaulted the informant by means of '*Garasa*' and petitioner no.2, namely, Rahul Goswami @ Rahul Kumar Goswami Sharma assaulted the brother of the informant, namely, Anuj Kumar Sharma by means of '*lathi*'.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. It is submitted that there is case and counter case between the parties. The wife of the petitioner no.1 has lodged First Information Report (for brevity '*FIR*') against the present informant and his family members bearing Phulwariya P.S. Case no. 345 of 2023. It is submitted that petitioners' side had also sustained injuries, which are grievous in nature. So far allegation against petitioner no.1 is concerned, it is submitted that he assaulted the informant by means of '*Garasa*', but he has not sustained any grievous injury rather injuries are simple in nature. So far allegation against petitioner no.2 is concerned, he assaulted the brother of the informant, namely, Anuj Kumar Sharma by means of '*lathi*', but the injury, on the person of the brother of the informant, is found to be simple in nature. In support of his submissions, the injury report of both the injured have been brought on record by way of Annexure 2 to the bail petition. Lastly, it is submitted that petitioners have no criminal



antecedents.

5. Learned A.P.P. for the State 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 Phulwariya P.S. Case No. 346 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 ACJM -XVI, Gopalganj, or appropriate Court below, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Khatim Reza, J)

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