

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57951 of 2025

Arising Out of PS. Case No.-78 Year-2025 Thana- PARBATTa District- Khagaria

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Mohan Kumar @ Mohan Goswami, S/O Lalan Goswami, R/O Village-
Vithala, P.S- Maraiya, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rohit Raj, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 28-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner, who is in custody, seeks bail in connection with Parbatta P.S. Case No. 78 of 2025 registered for the offences punishable under Sections 126(2), 109, 352, 351(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the informant has stated that the FIR named accused persons including the petitioner (Mohan Goswami) called his brother to dance at the DJ and thereafter they took him to consume liquor and on their way back it is alleged that the petitioner shot the informant's brother, who returned in the injured condition and was subsequently referred to Jawahar Lal Nehru Medical College Hospital, Bhagalpur for further treatment.



4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated and the present case has been lodged on mere suspicion as there is no eyewitness to the occurrence. It has further been submitted that the gunshot injury on the shoulder of the brother of the informant was found to be simple in nature having suffered on the non-vital part of the body. It has further been submitted that the petitioner has four criminal antecedents against his name and he is on bail in three of the cases and he has been acquitted in one case. It has lastly been submitted that the petitioner is in custody since 04.03.2025.

5. The learned A.P.P. has vehemently opposed the prayer for bail.

6. Considering the aforesaid submissions made by the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection Parbatta P.S. Case No. 78 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.



(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(vi) In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Khagaria within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail.



After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned, order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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