

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66416 of 2025

Arising Out of PS. Case No.-55 Year-2025 Thana- Manikpur District- Lakhisarai

1. Rajesh Goswami @ Rajesh Kumar S/O Late Ram Bilash Goswami R/O Vill.- Konipar, Post- Dighari, P.S.- Suryagarha, Dist.- Lakhisarai
2. Kanhaiya Kumar S/O Rajesh Goswami R/O Vill.- Konipar, Post- Dighari, P.S.- Suryagarha, Dist.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-09-2025 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Manikpur P.S. Case No. 55 of 2025 for the offence registered under sections 191(2), 191(3), 126, 115(2), 117(2), 303(2), 352, 351(2)3, 5(3) of BNS, 2023 lodged on 29.05.2025 by the informant, Kapildev Goswami.

3. As per the prosecution story, the informant alleged that on 29.05.2025, when he was near Mahavir Asthan, the accused persons armed variously came and assaulted brutally. The allegation is that Sanjay Goswami assaulted on the head while Rajesh Goswami (petitioner no. 1) assaulted on the thigh.



When the wife came to rescue, the petitioner no. 2, Kanhaiya Kumar assaulted her on the head. They were shifted to the Sadar Hospital, Lakhisarai and then to PMCH, Patna. This led to the FIR.

4. Learned Counsel for the petitioners submit that there is case and counter case, both sides have suffered, main allegation of assault is on the head which is attributed to Sanjay Goswami. The petitioner no. 1 has assaulted on the thigh while the petitioner no. 2, Kanhaiya Kumar has assaulted the lady which has been found to be simple in nature.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that so far as informant is concerned, both Sanjay Goswami and this petitioner no. 1 assaulted, in the process, though role of Sanjay Goswami is larger, the assault of this petitioner no. 1 cannot be overlooked. The fact that there has been found fracture in the head of the informant which shows how brutally he has been assaulted.

6. Considering the submissions of the parties, so far as the petitioner no. 1, Rajesh Goswami is concerned, his anticipatory bail application stands rejected.

7. Regarding petitioner no. 2, Kanhaiya Kumar,



though he has also assaulted the wife of the informant, it has been found to be simple in nature, he has no criminal antecedent, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

8. Let the petitioner no. 2, Kanhaiya Kumar in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai/Court concerned in connection with Manikpur P.S. Case No. 55 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner no. 2, Kanhaiya Kumar, who shall provide official document to show his *bona fide*;

(ii) the petitioner no. 2, Kanhaiya Kumar 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 his bail bond by the Trial court itself;

(iii) the petitioner no. 2, Kanhaiya Kumar shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the



certificate be submitted to the Court;

(iv) the petitioner no. 2, Kanhaiya Kumar 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 petitioner no. 2, Kanhaiya Kumar shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

9. However, If the petitioner surrenders within a period of four weeks, the Court concerned shall take up the matter and dispose it of preferably on the same day.

(Rajiv Roy, J)

Vijay Singh/-

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