

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86224 of 2024

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

Chandan Goswami aged about 23 years (Male) Son of Late Baijnath
Goswami R/o village- Pipra Karauti, Ward no.01, P.S-Udakishunganj, District
- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

6 03-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Udakishunganj P.S. Case No. 353 of 2023, dated 16.11.2023,
registered for the offence punishable under Sections 302, 120(B)
and 506 of the Indian Penal Code and Section 27 of the Arms
Act.

3.The prosecution case, in short, is that on 15.11.2023
at about 4:30 A.M., the informant's son, Amit Kumar
Goshwami, was going to the fields. When he reached near the
house of co-villager Turanti Goshwami, the petitioner along
with other accused persons surrounded him. It is further alleged
that on the order of co-accused Pawan Goshwami, the petitioner
fired at Amit Kumar Goshwami, and thereafter co-accused
Natwar Chaudhary also fired at him. As a result of the gunshots,



Amit fell down on the ground and later died. After the occurrence the accused persons fled away on their motorcycle. The informant took his son to hospital and subsequently proceeded to Madhepura, where the doctor declared him dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that as per the FIR, there is no eye-witness to the occurrence. It is next submitted that during the course of investigation, the police recorded the statements of Abhishek Goshwami and villagers, as mentioned in paragraph Nos. 37 and 38 of the case diary, wherein both the witnesses consistently stated that the petitioner is alleged to have fired the first shot and co-accused Natwar Chaudhary the second at Amit Kumar Goshwami on the order of Pawan Goshwami, causing his death. The occurrence is stated to have arisen out of Abhishek Goshwami's love affair with his cousin (uncle's daughter) and the petitioner has no concern with the said dispute, but on account of village politics, he has been falsely implicated in this case. The petitioner is in custody since 09.07.2024 and has three other criminal cases pending against him.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for bail. It is submitted that there is specific allegation against the petitioner of having fired at the deceased, which stands corroborated by the postmortem report wherein, the cause of death has been mentioned as shock and haemorrhage due to injury caused by firearm. It is further submitted that the petitioner has three other criminal cases of similar nature pending against him.

6. Having regard to the nature of allegations which is supported by the postmortem report, I do not find it to be a fit case for grant of regular bail at this stage.

7. However, the Trial Court is directed to expedite the trial and take all endeavour to conclude the trial at the earliest, preferably, within a period of nine (09) months from the date of receipt or production of a copy of this order. In the event, the trial is not concluded within the stipulated period, the petitioner shall be at liberty to renew the prayer for bail after the expiry of nine months.

8. Accordingly, the bail application stands rejected.

(Khatim Reza, J)

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