

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28416 of 2025

Arising Out of PS. Case No.-17 Year-2025 Thana- SARSI District- Purnia

1. Vijay Goswami @ Vijay Kumar Goswami S/o- Late Shyamanand Goswami
Village- Majhuwa Premraj W.No-18, Ps- Sarsi Dist- Purnea
2. Suraj Goswami @ Suraj Kumar S/o- Ruprendra Goswami Village- Majhuwa
Premraj W.No-18, Ps- Sarsi Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Kumar Rajdeep, Adv.
For the State	:	Mr. Navin Kumar Pandey, APP
For the Informant		Mr. Zeeshan Khan, Adv. Mr. Vishal Vikram Rana, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 29-05-2025 Heard Mr. N.K. Agrawal, learned senior counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the informant.

2. The petitioners seek bail in a case registered for the offence punishable under Sections 126(2), 115(2), 109, 74, 303(2), 352, 351(2), 3(5) of the B.N.S.

3. The allegation in the first information report is against 12 accused persons of having come variously armed with lathi, danda and iron rod to the house of the informant and there is further allegation on 4 persons being Vijay Goswami, petitioner no. 1, Suraj Goswami, petitioner no. 2, Ravindra



Goswami and Manoj Goswami of having assaulted the father of the informant by means of iron rod and lathi due to which he sustained injury on his head. The cause of the occurrence is said to be that petitioner no. 1 used to make a fake Panchnama for getting the lands of the informant mutated and since the same the father of the informant had got the same cancelled, hence the said occurrence had taken place.

4. Learned senior counsel for the petitioners submits that the allegation in the First Information Report are mainly general and omnibus in nature and the allegation of assault upon the informant's father is also generally made on four persons including the two petitioners. As against the allegation of assault by four persons, the injury suffered by the injured as would be indicated from the bail rejection order, is one lacerated wound on the left side of skull, the opinion of which has been kept reserved. It has next been submitted that there is a case and counter case and Annexure-2 has been brought on record which is a case filed by one of the co-accused Ravindra Kr. Goswami against the informant and others with regard to the same occurrence. Further, submissions made on behalf of the petitioners is that the FIR has been lodged after a delay of five days inasmuch as the said occurrence is said to have taken place



27.01.2025 whereas the written application was given on 31.01.2025 and the FIR thereupon was instituted on 01.02.2025 without plausible explanation. The petitioners are in custody since 02.02.2025 with no criminal antecedent and the charge-sheet has already been submitted.

5. Learned counsel for the informant however, has opposed the application for bail on the ground that the injured has suffered serious injury on the vital portion of the body.

6. Taking into consideration the rival contentions of the parties and also considering that there general and omnibus allegation of assault with a case and counter case and the charge-sheet having already been submitted, let the above named petitioners, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each 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 with Sarsi P.S. Case No. 17 of 2025, subject to the condition that the petitioners would appear physically on each and every date in the learned court below till the charges are framed and would cooperate in the conclusion of trial and if the petitioner does not appear on any date without any substantial and satisfactory reason, the learned court below would be at liberty to cancel his



bail bonds.

(Soni Shrivastava, J)

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