

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1638 of 2025

Arising Out of PS. Case No.-805 Year-2024 Thana- JAHANABAD District- Jehanabad

Ashok Paswan @ TT Son of Parmeshwar Paswan Resident of Patrakar
Colony, Near kali Mandhir, P.S and district - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P.N. Shahi, Sr. Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-02-2025 Heard Mr. P.N. Shahi, learned senior counsel

for the petitioner and learned APP appearing on behalf of

the State.

2.The accused/petitioner is named in the F.I.R.

and apprehending his arrest in connection with Jehanabad

Town P.S. Case No. 805 of 2024 registered for the

offences punishable under Sections 126(2), 115(2), 109,

132, 333, 352, 351(2), 3(5) of the BNS.

3. The allegation against petitioner is to assault

the informant who was on duty in Jehanabad Nagar

parisad and posted there as an Executive officer. The

occurrence alleged to be taken place on 16.10.2024 at



about 2:30 P.M. It transpires from the face of FIR that informant was assaulted by fight and fists with an intention to cause his death.

4. It is submitted by Mr. P.N. Shahi, learned senior counsel appearing on behalf of the petitioner that the present case was lodged by the informant, who was in inimical terms with the wife of the petitioner who is elected representatives and is chief counselor of Nagar *Parisad*, Jehanabad. It is submitted that when the wife of petitioner raised voice regarding wrong practices adopted by the informant, while running the affairs of the *Parisad*, the present false case was lodged with oblique motive. It is further pointed out that upon medical examination the injury which was found upon the informant appears to be simple in nature. It is further pointed out that occurrence was just a scuffle, which was given color of aggravated allegations that the petitioner was under intention to cause death of the informant. It is also pointed out that even no weapon alleged to be used by this petitioner



during occurrence. While concluding the argument, it is submitted that petitioner found involved in ten more criminal cases where in five case which is mentioned at serial no. 1, 2, 3, 4 and 7 of para no. 3, the petitioner after facing full fledged trial was acquitted and he is on bail in case which is mentioned at serial no. 5 and 9, whereas in rest of the two cases the police submitted final form against him. Whereas investigation is still open against him in Jehanabad P.S. Case No. 368/2020. Explaining further, it is submitted that the criminal antecedents of petitioner, in actual is three, where in two cases he is on bail and in one case investigation is open against the petitioner.

5. Learned APP, while opposing the prayer of bail submitted that petitioner is a man of criminal antecedents found involved in ten cases as stated above.

6. Taking contrary view of above submission, Mr. Shahi submitted that criminal antecedent cannot be the sole ground for rejecting the prayer of bail, if the



merit of case otherwise appear convincing.

7. In support of his submission, learned senior counsel for the petitioner relied upon legal report of Hon'ble Supreme Court as available through ***Prabhakar Tewari vs. State of Uttar Pradesh and Anr.*** reported in ***(2020) 11 SCC 648.***

8. In view of aforesaid factual and legal submissions and by taking note of fact as the face of the FIR *prima-facie* suggest the occurrence as scuffle, where no weapon alleged to be used by this petitioner causing physical assault to the informant, coupled with the fact that nature of the injury also found simple, *prima-facie* negating intention to cause death on its face, accordingly, petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Jehanabad/concerned Court, where the case



is pending in connection with Jehanabad Town P.S. Case
No. 805 of 2024, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C/ Section 482(2) of
BNSS.

(Chandra Shekhar Jha, J)

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