

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4986 of 2025

Arising Out of PS. Case No.-157 Year-2023 Thana- DESARI District- Vaishali

Akhilesh Paswan S/O Hira Paswan R/O Vill.- Sahadei Bujurg, P.S.- Desari,
Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan No. II, Advocate Ms. Priyanka Kumari, Advocate
For the Opposite Party/s :		Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Desari P.S. Case No. 157 of 2023, registered on 04.05.2023 for the offences under Sections 341, 323, 379, 504, 302 and 506/34 of the Indian Penal Code.

3. As per prosecution case, in the background of dispute over throwing of garbage on the land of the informant by the petitioner and his father, some altercation took place and when the mother of the informant forbade co-accused mother of the petitioner from doing so, she called out her co-accused husband and this petitioner and the mother of the informant were assaulted by co-accused father of the petitioner with butt of the country made *katta*. The petitioner assaulted the informant with slaps and



fists. Co-accused brutally assaulted the mother of the informant making her unconscious. Mother of the informant lost her life during treatment.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The occurrence took place on 20.04.2023 and *fardbeyan* was recorded on 30.04.2023 and the FIR was registered on the same day but there is no satisfactory explanation for delay in lodging the FIR. Learned counsel further submits that moreover allegation of assaulting the mother of the informant is against co-accused Hira Paswan, father of the petitioner. Only allegation against the petitioner is that of assaulting the informant with slaps and fists. Petitioner is having clean antecedent. Petitioner is in custody since 26.09.2024 and charge-sheet has been submitted.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner. Learned APP submits that petitioner and co-accused persons were involved in an occurrence in which the mother of the informant was brutally assaulted and she died during treatment.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no specific allegation of assault on deceased against



this petitioner also considering the clean antecedent of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XI, Vaishali at Hajipur/concerned court in connection with Desari P.S. Case No. 157 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three 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.

(Arun Kumar Jha, J)

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