

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8425 of 2025

Arising Out of PS. Case No.-278 Year-2024 Thana- BARHIYA District- Lakhisarai

1. Aman Kumar S/O Padarath Paswan R/O Village - Kalyanpur, Harijan Tola, P.S- Barahiya, Dist- Lakhisarai
2. Manoj Paswan S/O Lalbahadur Paswan R/O Village - Kalyanpur, Harijan Tola, P.S- Barahiya, Dist- Lakhisarai
3. Ranjan Paswan @ Langra S/O Chhotey Lal Paswan R/O Village - Kalyanpur, Harijan Tola, P.S- Barahiya, Dist- Lakhisarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan,APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioners and learned

APP for the State.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Barahiya P.S. Case No. 278 of 2024 registered for the offences punishable under Sections 126(2), 115, 74, 302(2), 352, 351(2), 109(1)m 3(5) of Bhartiya Nyay Sanhia, 2023 (in short the “B.N.S.”).

3. The allegation against petitioners is to assault the informant and other family members along with named co-accused persons causing head and bodily injury alleged to be



caused by lathi, rod and also by the butt of the pistol. The alleged assault was made with an intention to cause death of the injured, where occurrence alleged to be arising out of drainage issue.

4. Learned counsel appearing on behalf of the petitioners submitted that occurrence was free-fight in nature where both parties received injury and for same set of occurrence petitioners' side also lodged a case against informant's side which was registered as Barahiya P.S. Case No. 279/2024. It is pointed out that as occurrence was free-fight in nature, therefore, it can be said safely that petitioners were not under intention to cause death of informant/injured.

5. It is submitted that from facial perusal of F.I.R., it appears that other co-accused namely, Ramesh Paswan, Praveen Paswan and Srinivash Paswan assaulted specifically to the informant, whereas the allegation *qua* physical assault is appearing very much general and omnibus against the petitioners.

6. It is submitted that petitioner no. 1 is a man of clean antecedent, petitioner no. 2 found involved in four



criminal cases, where he is on bail and petitioner no. 3 found involved in eight criminal cases, where he is on bail. It is submitted that in maximum of these cases, petitioners were involved due to neighbourhood dispute and differences as of present case.

7. While concluding argument, it is submitted that if the merit of the case is otherwise convincing, merely on exclusive note of criminal antecedents, prayer of bail ordinarily should not be denied. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of U.P. and Another** reported in **(2020) 11 SCC 648.**

8. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

9. In view of the aforesaid factual submissions and by taking note of the fact as the allegation *qua physical* assault is appearing very much general and omnibus against above-named petitioners, rather same appears specific against other named co-accused persons, where occurrence alleged to be



arising out of drainage dispute, accordingly, above-named petitioners, in the event of their arrest/surrender within a period of four weeks from today, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai/concerned court in connection with Barahiya P.S. Case No. 278 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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