

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10452 of 2025

Arising Out of PS. Case No.-265 Year-2021 Thana- KOTWA District- East Champaran

Mukesh Paswan S/O Sokhtar Paswan R/O village - Dumra Mishra Tola, P.S-
kotwa, Dist- East Champarn

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

3 09-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Kotwa P.S. Case No. 265 of 2021 registered for the offences punishable under Sections 323, 324, 325, 307, 354, 379, 147, 148, 149, 427, 504, 506 and 509 of the Indian Penal Code and under Sections 3/4 of the Daain Act.

3. As per the prosecution story, the informant – Ramswari Devi has alleged that on 09.10.2021, when she was sweeping her house, abruptly, Rajendra Baitha along with other F.I.R. named co-accused persons including the present petitioner started abusing her and called her ‘Daain’ (witch). In the meantime, Rajendra Baitha caught her hair and cut it by means



of scissors and smear her face with lime and soot. Thereafter, Santosh Paswan assaulted her by means of Nepali Khukhri on her head due to which she sustained injury and resultantly, blood started ouzing out from her head. After that, Rajendra Baitha assaulted her by means of sword on her right hand. It is further alleged that all the accused persons brutally assaulted the other family members of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has not committed such type of offence as alleged in the F.I.R. The petitioner has not participated in the alleged offence rather he was made accused merely on suspicion. All the allegations levelled against the petitioner in the F.I.R. is general and omnibus in nature. There is no specific allegation of overt act against the petitioner. Learned counsel further submits that other co-accused persons namely, Rajendra Baitha, Santosh Baitha, Rajesh Paswan and Rajnish Rajak have been granted bail from the Court below. The petitioner is in custody since 28.10.2024. After completion of investigation the police has submitted chargesheet in this case.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

6. Keeping in view the aforesaid facts and considering



the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 5th Additional Chief Judicial Magistrate, East Champaran at Motihari in connection with Kotwa P.S. Case No. 265 of 2021 subject to the following conditions :-

(i). Petitioner will remain physically present in trial on each and every date till the disposal of the case failing which, on two consecutive dates without reasonable cause, the bail bond of the petitioner may be cancelled by the Trial Court.

(ii). One of the bailor shall be his family member.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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