

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16446 of 2025**

Arising Out of PS. Case No.-399 Year-2024 Thana- HARSIDHI District- East Champaran

1. Amit Kumar @ Amit Paswan, Son of Dinesh Paswan, Resident of Village- Bagaha, P.S.- Harsidhi, District- East Champaran
2. Dharmendra Paswan, Son of Bhagat Paswan @ Bhagan Paswan, Resident of Village- Bagaha, P.S. - Harsidhi, District- East Champaran
3. Santlal Paswan, Son of Chandesh Paswan, Resident of Village- Bagaha, P.S.- Harsidhi, District- East Champaran
4. Mukhilal Sah @ Mukhi Sah, Son of Late Lagan Sah, Resident of Village- Bagaha, P.S.- Harsidhi, District- East Champaran
5. Brijesh Paswan @ Vrijesh Paswan @ Bhola Paswan, Son of Ambika Paswan, Resident of Village- Bagaha, P.S.- Harsidhi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Deepak Kumar, Advocate  
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      13-05-2025      Heard the parties..

2. The petitioners apprehend their arrest in connection with Harsidhi P.S. Case No. 399 of 2024 registered for the offences punishable under Sections 103/3(5) Bharatiya Nyaya Sanhita, 2023.

3. Based upon the written report, the prosecution alleges that on the fateful day while the informant was sitting at his door, all the named accused persons, including the petitioners, armed with *Lathi* and *Fatta* came there and started



abusing and destroying the hut of the informant. On objection being made, it is specifically alleged that on the exhortation made by co-accused Raju Sah, petitioner no.1 Mukhi Sah assaulted the informant's mother, on account of which she fell down and later on died.

4. Learned Advocate for the petitioners contended that admittedly the genesis of the occurrence is a land dispute and in fact the present case, which came to be lodged, is nothing but a counter blast of Harsidhi P.S. Case No. 395 of 2024 instituted by the member of the petitioners' side. It is further contended that the deceased was an old lady, aged about 84 years, suffering from various chronic disease and died her natural death, but only in order to mount pressure and wreak vengeance, allegation has been levelled that it is the petitioner no.4, who assaulted on her head, leading to her death. Taking this Court through the impugned order, it is also contended that though the post-mortem report suggests that one lacerated wound was present on the fore-head of the deceased, but the cause of death cannot be ascertained, hence Viscera has been preserved and sent to the Forensic Science Laboratory for its report. Referring to the aforementioned facts, it is thus contended that the reason for death is not the assault, which is attributed to petitioner no.4. It is lastly



contended that be that as it may, the petitioners are men of fair antecedent and there is delay in lodging of the F.I.R.

5. On the other hand, learned APP for the State opposes the bail application and submits that apart from the active participation of the petitioners in the crime and on account of assault made by petitioner no.4, the deceased died and this fact is also corroborated from the post-mortem report.

6. Considering the specific accusation against petitioner no.4 of causing assault to the deceased, which is also corroborated from the post-mortem report, this Court is not acceded to the prayer of petitioner no.4. Accordingly, the prayer for grant of anticipatory bail to **petitioner no.4, namely, Mukhilal Sah @ Mukhi Sah, is hereby rejected.**

**7. So far petitioner nos. 1, 2, 3 and 5 are concerned,** taking note of the omnibus allegation and the submissions noticed hereinabove, their prayer for grant of anticipatory bail stands allowed; let **petitioner nos. 1, 2, 3 and 5**, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 399 of 2024, subject to the condition as laid down under 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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