

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14895 of 2025

Arising Out of PS. Case No.-285 Year-2024 Thana- CHAUTHAM District- Khagaria

1. Sulen Paswan aged about 46 years (Male) Son of Anarsi Paswan
 2. Rinku Devi aged about 41 years (Female) Wife of Sulen Paswan
 3. Gurudev Kumar aged about 23 years (Male) Son of Sulen Paswan
 4. Bishal Kumar aged about 19 years (Male) Son of Birendra Paswan
 5. Abhishek Kumar aged about 21 years (Male) Son of Birendra Paswan
 6. Soni Devi aged about 36 years (Female) Wife of Birendra Paswan
- All are resident of Village- Kaithi, Police Station- Chautham District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vivekanand Singh, Advocate
For the Informant	:	Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s	:	Dr. Mrityunjaya Kr. Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 03-09-2025 Heard Mr. Vivekanand Singh, learned counsel appearing on behalf of the petitioners; Mr. Shailendra Kumar Singh, learned counsel for the informant and Dr. Mrityunjaya Kr. Gautam, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Chautham P.S. Case No. 285 of 2024 registered for the offence punishable under Sections 103 (1) of the B.N.S.

3. As per the allegation made in the FIR, all the accused persons named therein, with a common intention, had assaulted the mother of the informant and committed murder.

4. Learned counsel appearing on behalf of the



petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. He further submitted that specific allegation of assaulting the mother of the informant is on co-accused Birendra Paswan. Mother of the informant had sustained four injuries, out of which, three injuries are attributable to the co-accused Birendra Paswan and one injury is attributable to the petitioner no. 1 (Sulen Paswan). General and omnibus allegation has been levelled against petitioners no. 2 to 6. He further submitted that there is every likelihood that in course of trial, the petitioners no. 2 to 6 will be acquitted. In further statement, the informant has admitted the fact that petitioners no. 2 to 6 were present at the place of occurrence, however, no overt act is attributable to them. In course of enquiry, the police has recorded evidence of two independent witnesses, namely, Sajjan Kumar and Vidyanand Paswan, who have not taken the name of these petitioners. On these grounds, petitioners seek to be released on pre-arrest bail.

5. *Per contra*, Mr. Shailendra Kumar Singh, learned counsel appearing on behalf of the informant submitted that there is direct allegation against all the petitioners, who, with a common intention, had brutally assaulted and had committed murder of the mother of the informant. He further submitted that



specific allegation is against petitioner no. 1 and co-accused Birendra Paswan and both are brother and as per the evidence collected in course of investigation, it appears that they had planned to kill the mother of the informant. As such, the very intention and *mens rea* of the accused persons including the petitioner in commission of murder of the mother of the informant cannot be ruled out and petitioners don't deserve to be released on pre-arrest bail.

6. Learned APP for the State referring to several paragraphs of the case diary submitted that the complicity of the petitioners cannot be ruled out from the alleged commission of offence and vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the rival submissions made on behalf of the parties, the petitioners have been made accused in serious crime. In the light of law laid down by the Apex Court in the case of *Manno Lal Jaiswal vs. The State Of Uttar Pradesh* in *Criminal Appeal No.97 of 2022*, this Court has to arrive that there is every likelihood of the petitioners to be acquitted in course of trial. I don't find any pleading made in the bail application that petitioners, in any manner, have made out a case that in course of trial, they can be acquitted.



8. I find that there is direct allegation of assault against the petitioners no.1, namely, Sulen Paswan, who had assaulted the mother of the informant. I am not inclined to enlarge the petitioners no.1 on pre-arrest bail.

9. So far as petitioners no. 2 to 6, above named, are concerned, general and omnibus allegation has been levelled against them and they are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Khagaria, in connection with Chautham P.S. Case No. 285 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS.

10. The learned District Court is directed to verify the criminal antecedent of the petitioners no. 2 to 6 as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners no. 2 to 6 as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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