

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15971 of 2025

Arising Out of PS. Case No.-96 Year-2024 Thana- SHIKARGANJ District- East Champaran

1. Chhotelal Paswan @ Chhotelal Kumar son of Mahendra Paswan Resident of village - Haranrain, Ps- Shikarganj, Dist- East Champaran
2. Shivnath Paswan son of Dukhit Paswan Resident of village - Haranrain, Ps- Shikarganj, Dist- East Champaran
3. Sohan Paswan son of Shivnath Paswan Resident of village - Haranrain, Ps- Shikarganj, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar, Adv.
		Mr. Hemant Ray, Adv.
For the Opposite Party/s :		Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-04-2025 Heard Learned Counsel for the petitioners and

Learned APP for the State.

2. The present Criminal Miscellaneous Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioners who apprehend their arrest in connection with Shikarganj P.S. Case No.96 of 2024 lodged on 24.11.2024, for the offences punishable under Sections 126(2), 115(2), 109, 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against



the present petitioners with allegation that they have assaulted the informant's son on his head and also tried to strangle his neck by their towel.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that in the FIR itself, the nature of scuffling has been indicated. He further submits that from the contents of FIR, there is absolutely no allegation against petitioner Nos.2 and 3 and against petitioner No.1, there is simple allegation that he has assaulted by bamboo.

5. Counsel submits that the criminal antecedent of the petitioners are clean and ready to fulfill all the conditions whatsoever shall be imposed upon them.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that against petitioner No.2 and 3, there is general and omnibus allegation and against petitioner No.1, there is direct allegation of act and overt act.

7. As such, in the present facts and circumstances of this case, let the above named petitioner No.2 & 3, namely, Shivnath Paswan and Sohan Paswan be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail



bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Judicial Magistrate-1st Class, Sikrahana at Dhaka, East Champaran, in connection with Shikarganj P.S. Case No.96 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

8. So far as petitioner No.1, namely, Chhotelal Paswan, is concerned, this Court is not inclined to grant anticipatory bail to petitioner No.1, therefore the bail application of the petitioner No.1 is hereby rejected.

(Dr. Anshuman, J.)

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