

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18062 of 2025

Arising Out of PS. Case No.-302 Year-2024 Thana- BARGAINIA District- Sitamarhi

Rajan Paswan @ Rajan Kumar S/O Late Vinay Paswan @ Ram Vinay
Paswan R/O Village- Aadambaan, Ward No. 01, P.S- Bairgania, Distt.-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Bairgania P.S. Case No. 302 of 2024, registered for the offences under Sections 126(2), 115(2), 109, 303(2), 351(2), 352 & 3(5) of the B.N.S.

3. As per the prosecution case, while the informant has been returning after attending a feast in the village, the petitioner and other co-accused persons who were armed with iron rod and *lathi* and five unknown miscreants assaulted and looted the informant. Allegation against the petitioner and other co-accused persons is that of assaulting the informant with iron rod and *lathi* and the specific allegation against the petitioner is



of causing fracture of the head of the wife of the informant with iron rod. The son of the informant was also assaulted who received fracture of head and bleeding injury. The assailants chased the informant to his house where they surrounded and assaulted him and asked him to make a compromise in Bairgania P.S. Case No. 79 of 2019 which was lodged against the same petitioner by the same informant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioner and the informant were attending a marriage reception and some scuffle took place between the petitioner and other co-accused persons on the one hand and the persons from the other side on the other hand. Learned counsel further submits that there is no injury report of the informant but the injury report of wife of the informant and his son have been brought on record and the injury report shows both the persons received simple injuries. Though the occurrence took place before a large number of persons who went to attend the feast but no witness has come forward to support the case of the prosecution. Learned counsel further submits that the petitioner is having antecedent of two cases and



he is on bail in both the cases. The petitioner is in custody since 25.12.2024 and charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that the informant escaped unhurt and also considering the fact that the injury of his wife and son are simple and superficial and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi/concerned court, in connection with Bairgania P.S. Case No. 302 of 2024, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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