

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25124 of 2025

Arising Out of PS. Case No.-248 Year-2024 Thana- BEERPUR District- Begusarai

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1. Phulo Paswan S/O Late Ghuran Paswan R/O Vill.- Maida Babhangama, Ward no. 1, P.S.- Birpur, Dist.- Begusarai.
 2. Mukhiya Paswan @ Mukhiya Kumar S/O Phulo Paswan @ Ghuran Paswan R/O Vill.- Maida Babhangama, Ward no. 1, P.S.- Birpur, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2025 Heard Mr. Shubhesh Pandey, learned counsel for the
petitioners and Mr. Fahimuddin, learned A.P.P. for the State.

2. After some arguments, learned counsel for the
petitioners seeks permission to withdraw the application with
respect to petitioner no.2, namely, Mukhiya Paswan @ Mukhiya
Kumar with the liberty to the petitioner no. 2 to surrender before
the learned Court below within a period of two weeks from
today and seeks regular bail.

3. Permission is accorded.

4. The application is dismissed as withdrawn with
respect to petitioner no. 2 with the liberty to the petitioner no.2
to surrender and seek regular bail before the learned Court



below, the same shall be considered on the same day on its own merit in accordance with law and without being prejudiced by any observation in the present order.

5. The petitioner no. 1 is apprehending his arrest in connection with Birpur P.S. Case No. 248 of 2024, F.I.R. dated 06.12.2024 for the offences punishable under Sections 126(2), 115(2), 352, 109, 3(5) of the BNS.

6. According to prosecution case, the petitioner along with one another co-accused person are said to have assaulted the sons of the informant due to which they got injured.

7. Learned counsel for the petitioner submits that petitioner no.1 has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. Although, the petitioner no. 1 is named in the FIR, but there is no specific allegation of any assault or overt act against this petitioner rather the specific allegation is against the co-accused person, namely, Mukhiya Paswan @ Mukhiya Kumar.

8. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.



9. Considering the aforesaid facts and circumstances that there is no specific allegation of assault against the petitioner no. 1 and he has clean antecedent, let the petitioner no. 1, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.F.C.-cum-A.M., Begusarai in connection with Birpur P.S. Case No. 248 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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