

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23914 of 2025

Arising Out of PS. Case No.-86 Year-2024 Thana- Mohanpur District- Purnia

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1. Gulab Chand Paswan @ Gulo Paswan @ Gullu Paswan S/o- Makhan Paswan R/o Village- Topra, Ward No-10, P.S- Mohanpur Dist- Purnea.
 2. Pandav Paswan S/o- Makhan Paswan R/o Village- Topra, Ward No-10, P.S- Mohanpur Dist- Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-05-2025 Heard learned senior counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The both accused/petitioners apprehending their arrest in connection with Mohanpur P.S. Case No. 86 of 2024, registered for the offences punishable under Sections 126, 115(2), 109, 352, 351 (2-4)3 (5) of the Bhartiya Nayay Sanhita and 27 of Arms Act.

3. The allegation against both above named petitioners is to call the son of the informant alongwith other co-accused persons from house, whereafter the co-accused Nitish Kumar fired on him, causing bullet injury.



4. It is submitted by learned counsel appearing for the petitioners that the FIR in itself suggesting that present occurrence took place due to loan of Rs. 90,000/- which was given by the informant to petitioner's family on occasion of marriage of sister of Nitish Kumar (main co-accused). It is submitted by learned counsel that the petitioners implicated being cousin brother and uncle of main co-accused without attributing any overt act. It is submitted that allegation of firing is specifically available against main co-accused Nitish Kumar, who is not the petitioner for present. Petitioners are said to be men of clean antecedents.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as implication of both above named petitioners *prima facie* appears being family members, where no overt act appears attributed against petitioners, rather the allegation of firing is specific available against co-accused Nitish Kumar, accordingly, both above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea/concerned Court,



where the case is pending in connection with Mohanpur P.S. Case
No. 86 of 2024, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C./482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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