

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30720 of 2025

Arising Out of PS. Case No.-28 Year-2025 Thana- GURARU District- Gaya

1. Pankaj Kumar @ Munna Paswan S/o- Amresh Paswan Village- Ghatera Ps- Guraru Dist- Gaya
2. Sanjay Paswan @ Sanjay Kumar Paswan S/o- Late Ramkrit Paswan Village- Ghatera Ps- Guraru Dist- Gaya
3. Mithun Paswan S/o- Late Rambrish Paswan Village- Ghatera Ps- Guraru Dist- Gaya
4. Mukesh Paswan @ Mukesh Kumar S/o- Budh Ram Paswan Village- Ghatera Ps- Guraru Dist- Gaya
5. Sukhendra Paswan S/o- Late Ramkrit Paswan Village- Ghatera Ps- Guraru Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 30811 of 2025

Arising Out of PS. Case No.-28 Year-2025 Thana- GURARU District- Gaya

1. Raushan Paswan S/o Amresh Paswan R/o Vill.- Ghatera, P.S. - Guraru, Distt.- Gaya
2. Bipin Paswan @ Gaurav Kumar S/o Amresh Paswan R/o Vill.- Ghatera, P.S. - Guraru, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 30720 of 2025)

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Pranav Kumar

(In CRIMINAL MISCELLANEOUS No. 30811 of 2025)

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 13-08-2025 Considering the fact that both the matters are arising out of the same P.S. case and, as such, with the consent the parties, both the applications are being heard together and



disposed of by this common order.

2. Heard the parties.

3. The petitioners apprehend their arrest in connection with Guraru P.S. Case No. 28 of 2015, registered for the offences punishable under Sections 191(2), 191(3), 190, 303(2), 126(2), 115(2), 109, 352, 351(2) of BNS, 2023.

4. The informant, who happens to be Chairman of PACS, alleged that while he was engaged in irrigating his farm, in the meanwhile, the accused persons came there and started abusing. Accused persons also demanded remuneration for irrigation. It is also alleged that co-accused Pankaj Kumar also tried to assault him and snatched the golden chain. It is further alleged that on the next day while the informant was going to his PACCS godown, in the meanwhile, the accused persons, who were waylaid and ambush intercepted him and brutally assaulted by means of lathi and danda. In the meantime, when the son of the informant came to his rescue, Pankaj Kumar and Mithun Kumar, who were having *katta* in their hands, assaulted him by means of butt due to which he sustained serious injury.

5. Learned Advocate for the petitioners taking this Court through the FIR contended that admittedly the informant happens to be Chairman of a PACS and robust person of the



village, however, on account of some land dispute both the families entered into scuffle resulting into injuries to the persons of both the sides leading to institution of case and counter case bearing Guraru P.S. Case No. 29 of 2025 against the informant and others. He further submits that the injury which is allegedly sustained to the informant is concerned, the same has been found to be simple in nature, moreover the son has sustained swelling wound over his forehead, which is said to be grievous in nature, but this also does not corroborate the allegation that both of them were brutally assaulted by means of lathi and danda, as there was no mark of violence over any other part of the body. It is also submitted that the alleged occurrence took place in the district of Gaya whereas the informant and his son were treated at the Sadar Hospital Aurangabad; this also smacks suspicion over the prosecution case and the injury report. In Cr. Misc. No. 30720 of 2025, the petitioner Nos. 1, 2, 4 and 5 have absolutely clean antecedent whereas petitioner no. 3 has one criminal antecedent, however in which he is on bail. In Cr. Misc. No. 30811 of 2025, both the petitioners have clean antecedent.

6. On the other hand, learned Advocate for the State and the informant vehemently opposed the bail application and submitted that because of the assault made by the petitioner nos.



1 and 3 of Cr. Misc. No. 30720 of 2025, the son of the informant has sustained grievous injury and they have also snatched the golden chain of the informant.

7. Having considered the submissions set forth by the learned Advocates for the respective parties and taking note of the factum of case and counter case, coupled with the injury report *vis-a-vis* the allegations levelled in the FIR, which do not corroborate to each other and the fair antecedent of the petitioners except petitioner no. 3 of Cr. Misc. No. 30720 of 2025, let all the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-IX, Gaya in connection with Guraru P.S. Case No. 28 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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