

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35051 of 2025

Arising Out of PS. Case No.-62 Year-2025 Thana- HILSA District- Nalanda

-
1. Kamlesh Paswan S/o Madan Paswan R/O Vill- Sipara, Ward No 7, P.S.- Hilsa, Distt- Nalanda
 2. Mukesh Kumar @ Sukhu Paswan S/o Rajendra Paswan R/o Vill- Sipra, P.S.- Hilsa, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-08-2025 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 ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioners who apprehend arrest in connection with Hilsa P.S. Case No. 62 of 2025, lodged on 30.01.2025, under Sections 191(2)/191(3)/190/ 125(a) /252 / 251(b)/109 of the Bhartiya Nyay Sanhita, 2023 and under Section 27 of the Arms Act.

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



eleven named and 5-10 unknown accused persons including the present petitioners against whom allegation of firing is there but when police reached they fled away from the place of occurrence.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that from the content of the FIR, it becomes crystal clear that there are two set of group, who were fighting with each other and upon information received by the police on Dial-112, the police reached and some of the accused persons were apprehended and some were fled away. Learned Counsel for the petitioner submits that one FIR has been lodged by the police in which confessional statement of both the parties have been inserted in the same FIR. Counsel submits that the petitioners were not apprehended and their names have come by virtue of confessional statement. He submits that Arms Act was added but recovery of arms were not made from the possession of the accused persons. Therefore, offence under the Arms Act is not attracted in the present case. He submits that the antecedent of the petitioners are clean, save and except confession there is nothing against the petitioners.

5. Learned APP for the State opposes the prayer for



bail of the petitioners and submits that allegation is there in the FIR that they were firing and police has found empty cartridges on the spot.

6. It transpires to this Court that allegation of firing is against the petitioners and other accused persons also and petitioners were not apprehended and accused persons having allegation were apprehended.

7. As such, in the present facts and circumstances of this case, let the above named petitioners 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 Additional Chief Judicial Magistrate-I, Hilsa (Nalanda), in connection with Hilsa P.S. Case No. 62 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

8. And further condition that the Trial Court shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the Trial Court shall take step for cancellation of bail bond of the petitioners. 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.

(Dr. Anshuman, J)

Mkr./-

U		T	
---	--	---	--

