

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37419 of 2025

Arising Out of PS. Case No.-260 Year-2024 Thana- SAUR BAZAR District- Saharsa

1. Sarvesh Paswan @ Sarvesh Kumar Paswan S/o Satya Narayan Paswan @ Narayan Paswan Vill.- Jagir, Ward No. 15, PS- Sour Bazar, Distt.- Saharsa
2. Ranjit Paswan S/o Mahendra Paswan Vill.- Jagir, Ward No. 15, PS- Sour Bazar, Distt.- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shailendra Paswan @ Shalendra Paswan S/o Late Nago Paswan Vill.- Jagir, Ward No. 15, PS- Sour Bazar, Distt.- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Adv.
For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 17-09-2025 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners have earlier moved before this Court with a prayer for anticipatory bail which was dismissed as withdrawn by a Co-ordinate Bench of this Court vide orders both dated 24.01.2025 passed in Cr. Misc. Nos. 62764 of 2024 and 60301 of 2024 respectively.

3. The petitioners seek bail in connection with Saur Bazar P.S. Case No. 260 of 2024 instituted for the offences under Sections 341, 323, 324, 307, 506, 354, 379, 504, 34 of the Indian Penal Code.



4. As per the prosecution case, due to trivial dispute, the occurrence has taken place. Thirteen persons are named in the FIR. They are said to have misbehaved with one minor girl and assaulted the prosecution side. Sarvesh Paswan (petitioner no.1) is said to have assaulted the victim with rod. Sujit Paswan has assaulted Shailendra Paswan on his head. Ranjit Paswan (petitioner no.2) has assaulted Sumita Devi with a rod on her head. Mahendra Paswan assaulted with a stick. Manoj Paswan has assaulted Rudal Paswan on his left hand. Sanoj Kumar snatched the mobile of Deepak Kumar. All the accused persons snatched Rs. 20,000/- and gold ornament.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. Due to trivial dispute, all the accused persons have been falsely implicated in this case. He further submits that there is a case and counter case between the parties. There is no direct or specific allegation of any overt act against the petitioners rather the same is general and omnibus in nature. He further submits that the petitioners have neither misbehaved with the victim girl nor has done any sexual act with her. He further submits that the victim girl has been recovered and has



given her statements under Sections 161 and 164 of the Cr.P.C. at the instance of her parents. In the alleged occurrence, total five persons have sustained injuries which was found to be simple in nature. The petitioners have no criminal antecedent and are languishing in judicial custody since 18.03.2025 without any rhymes or reason. He further submits that the co-accused have also been granted anticipatory bail by a Co-ordinate Bench of this Court vide orders both dated 24.01.2025 passed in Cr. Misc. Nos. 62764 of 2024 and 60301 of 2024 respectively.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that the offence alleged against the petitioners is serious in nature. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the accused persons including the petitioners for offence under Sections 147, 341, 323, 354B, 504, 506 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners, the petitioners having no criminal antecedent as also the injury being simple in nature, let the petitioners, abovenamed, be



released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Saur Bazar P.S. Case No. 260 of 2024.

(Rudra Prakash Mishra, J)

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