

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39699 of 2025

Arising Out of PS. Case No.-899 Year-2024 Thana- MANER District- Patna

Jay Prakash Paswan @ Prakash Paswan S/o- Bhushan Paswan Village-
Ahiyapur Gyaspur Ps- Maner Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kasmudin Ansari s/o- Late Maula Baksh Ansari R/o- Ahiyapur Ps- Maner
Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Mishra, Advocate
For the Opposite Party/s	:	Mr. Nirmal Kumar Sinha, A.P.P.
For the Informant	:	Mr. Alok Kumar Alok, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner seeks bail in connection with Maner
P.S. Case No. 899 of 2024 registered for the offences punishable
under Sections 103 & (3)(5) of the BNS.

3. The petitioner discloses in paragraph-3 of the bail
application that the petitioner has only one criminal antecedent.
The petitioner has stated that he is an accused in Maner P.S.
Case No. 499 of 2017 under Sections 302 and 34 of the Indian
Penal Code where the petitioner contends that he is on bail.
There is a categoric statement in paragraph-3 of the bail



application that other than Maner P.S. Case No. 499 of 2017, the petitioner is not an accused in any other case.

4. The case of the prosecution is that on 27.12.2024, the informant who is Khadim at Maner Patna lodged a written complaint before the SHO Maner P.S. Patna stating that his wife at 04:30 PM informed him that his son has got electrocuted and was admitted by Jay Prakash Paswan (petitioner) in hospital at Maner. When the informant reached the Primary Health Centre, Maner, the informant did not find his son there, but his wife met in the way who said that his son was admitted at private clinic of one Dr. Lalit Mohan. The informant reached there but he was told that his son had been admitted at NSMCH, Bihta where his son was declared as dead. The police was informed and on enquiry, the informant got knowledge that the petitioner Jay Prakash Paswan, Kunal, son and grandson of Baldeo Ram as well as 3-4 other persons left the hospital after the death of the informant's son and it has been further alleged that one of the said persons had shot the informant's son.

5. Learned counsel for the petitioner submits petitioner is innocent and has been falsely implicated in the present case. He further submits that there is no specific allegation against the petitioner of having fired at the deceased.



He is alleged to have been part of the assembly and one of the accused persons other than the petitioner had fired which may have resulted in the death of the son of the informant. He further submits that the petitioner is in custody since 25.01.2025 and since he has only one criminal antecedent, therefore, he deserves to be granted bail. He also submits that charge-sheet in the present case has been filed against the petitioner on 18.04.2025 and hence prolong custody of the petitioner is not required.

6. On the other hand, learned APP appearing for the State and learned counsel for the informant opposed the prayer for regular bail of the petitioner.

7. It has been brought to the notice of this Court that the petitioner had itself disclosed before the learned Court below that the petitioner has two criminal antecedents. In the impugned order it has been recorded as follows:-

“.....It is submitted and disclosed on behalf of the petitioner that he is also an accused in Maner P.S. Case No. 584 of 2020 and 499 of 2017 and the Case Diary shows the criminal antecedents of the petitioner...”

8. Despite the aforesaid disclosure made before the learned Court below, the petitioner in this bail application has concealed that the petitioner is accused in Maner P.S. Case No. 584 of 2020 and in paragraph-3 of the bail application, the



petitioner has stated as follows:-

“3. That there is one criminal antecedent which has been lodged as Maner P.S. Case No. 499 of 2017 under Sections 302 and 34 of the Indian Penal Code, where the petitioner is on bail, otherwise petitioner has not been made accused in other case(s).”

9. From the aforesaid statement made in paragraph-3, it is evidently clear that the petitioner has given a false declaration/disclosure about his antecedent.

10. For this reason as well as for the reason that in the confessional statement made during police custody, the petitioner has accepted the involvement in the murder of the informant's son, hence taking into account the gravity of the offence alleged to have been committed by the petitioner and the fact that false declaration/disclosure was given in paragraph-3 of the bail application, the Court is not inclined to grant bail to the petitioner.

11. Accordingly, the prayer for bail stands rejected.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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