

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42190 of 2025

Arising Out of PS. Case No.-179 Year-2024 Thana- BEERPUR District- Begusarai

Ajay Kumar @ Golu Paswan son of Ganga Ram Paswan village-
Bhawanandpur, Ward no. 5, Ps- Birpur, dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 46975 of 2025

Arising Out of PS. Case No.-179 Year-2024 Thana- BEERPUR District- Begusarai

Manoj Paswan Son of Late Baijnath Paswan Resident of Village -
Bhawanandpur Ward No.- 5, P.S.- Birpur, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 42190 of 2025)
For the Petitioner/s : Mr. Sunil Kumar Yadav, Adv
For the Opposite Party/s : Mr. Shailendra Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 46975 of 2025)
For the Petitioner/s : Mr. Sunil Kumar Yadav, Adv
For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 25-07-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. Both the applications are arising from the same P.S
Case i.e. Birpur P.S. Case No. 179 of 2024, hence, they are
being heard together and are being decided by a common order.

3. The petitioners seek regular bail in a case registered



for the offences punishable under Sections 191(2), 190, 115(2), 127(2) and 103(1) of the Bhartiya Nyaya Sanhita.

4. The office has pointed out that in Cr. Misc. No. 46975 of 2025 the defect no. 6(1) may kindly be ignored as there has been an over writing, however, the same can be corroborated from the other part of the FIR while defect no. 6(2) and 6(3) was pointed out due to inadvertence. In view of the same, let defect no. 6(1) be ignored.

5. The prosecution case, in brief, is that the petitioners along with nine other named persons had assaulted two persons, who were apprehended on the pretext of committing theft. The informant has alleged that when the police arrived at the place of occurrence, the two persons namely, Rahul Kumar and Mohit were found to be tied with a tree and it was alleged that the named accused along with 60-70 unknown persons had assaulted the two persons.

6. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case and there is general and omnibus allegation against all the accused persons. It has further been submitted that there is no eye witness to the said occurrence and subsequently during the course of investigation, the second



theory which was developed of the boy Mohit Kumar having love affairs with one of the girls of the village is also not connected with the petitioner. It has also been submitted that similarly situated co-accused person has already been granted bail this Court vide order dated 15.04.2025 passed in Cr. Misc. No. 88595 of 2024. It has lastly been submitted that both the petitioners have clean antecedent and the petitioner no. 1 is in custody since 17.03.2025, whereas, the petitioner no. 2 is in custody since 20.03.2025.

7. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

8. Considering the aforesaid facts and circumstances of the case specially the fact that there is general and omnibus allegation against the petitioners and also taking the fact that similarly situated co-accused person has already been granted bail by this Court, let the petitioners above-named, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Begusarai in connection with Birpur P.S. Case No. 179 of 2024, subject to the following conditions:-

(i) One of the bailors will be close a relative of the petitioners.



(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

(iv) The learned Court below 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 court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

9. The applications stand allowed.

(Sourendra Pandey, J)

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