

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50290 of 2025

Arising Out of PS. Case No.-499 Year-2024 Thana- BAHERA District- Darbhanga

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1. Dhanik Lal Paswan @ Dhaniklal Paswan, Son of Ramdev Paswan, R/o Village- Marad, P.S. -Rahika, District – Madhubani.
 2. Deepak Kumar, Son of Binod Prasad @ Bimal Prasad, R/o Village Kishorilal Chowk , P.S.- Town, District Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 11-08-2025 Heard Mr. Jitendra Kumar Bharti, learned counsel for the petitioners and Mr. Surendra Kumar, learned APP for the State.

2. Petitioners seek regular bail in connection with Bahera P.S. Case No. 499 of 2024 dated 25.12.2024 registered for the offences punishable under sections 310(4), 310(5), 317(4) and 317(5) of the Bharatiya Nyaya Sanhita and sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. The main submissions advanced by petitioners' counsel are that as per the allegation, the petitioners and co-accused persons, namely, Mangal Sah and Amit Kumar Yadav were apprehended by the police while making preparations to commit dacoity, as per allegation three live cartridges and one



mobile phone were recovered from the possession of each petitioner and five live cartridges from co-accused Amit Kumar Yadav, who has four criminal antecedents and has been granted bail by a co-ordinate bench of this Court vide order dated 25.06.2025 passed in Cr. Misc. No. 38408/2025. Against the petitioners, there are three criminal antecedents but they were remanded in those cases after their arrest in the present matter. It is lastly submitted that the petitioners have been languishing in jail since 25.12.2024 in the present matter and the investigation against them has been completed.

4. Learned APP for the State has opposed the prayer of the petitioner.

5. Heard both the sides and perused the FIR and the trial court's order. Though there is a serious allegation against the petitioners, however, considering their present custody period of about 7½ months and also the fact that a similarly situated co-accused, Amit Kumar Yadav, is on bail, and coupled with completion of investigation against the petitioners, this Court is inclined to release them on bail. Accordingly, let both the petitioners named-above be released on bail on furnishing bail bonds of Rs.20,000/-(Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the court



concerned in connection with Bahera P.S. Case No. 499 of 2024,
on the following conditions :-

(i) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court. They shall remain physically present as directed by the trial court and in case of their absence on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the trial court.

(ii) If the petitioners tamper with the evidence or influence the witnesses, then the prosecution shall be at liberty to move for cancellation of bail.

(iii) One of the bailors shall be a close relative of the petitioners who has sworn in an affidavit in the present miscellaneous petition.

(iv) Both the petitioners shall mark their attendance at an interval of two weeks for a period of one year at the police station within which jurisdiction they are presently residing. The details of such police station shall be furnished to the trial court at the time of submission of their bail bonds.

(v) If the petitioners are found to be involved in any offence committed subsequently after the present occurrence, the SHO of the concerned police station shall inform the trial



court regarding such involvement, whereafter the trial court shall take serious action for cancellation of their bail bonds.

(vi) As the investigation has been completed against the petitioners, if the trial court is going to proceed with the trial of the petitioners, they shall be released after the framing of charges upon them, however, if the charges are not framed for any legal reason within the next one month, the petitioners shall be released as per the above order.

(Shailendra Singh, J)

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