

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43126 of 2025

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

Nitish Paswan @ Nitish Kumar S/o- Gauri Paswan Resident of Village-
Bhawanandpur P.S.- Birpur District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate

For the Opposite Party/s : Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 04-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in case registered
for the offences punishable under Sections 191(2), 190, 115(2),
127(2) and 103(1) of Bhartiya Nyaya Sanhita.

3. As per the prosecution case, it has been alleged that
the petitioner along with nine other named persons had
assaulted two persons who were apprehended on the pretext of
committing theft, namely, Rahul Kumar and Mohit Kumar. The
informant has alleged that when the police arrived at the place
of occurrence, these two persons, namely, Rahul Kumar and
Mohit Kumar were found to be tied to a tree while it was
alleged that the named accused as well as around 60-70
unknown persons had assaulted the two persons.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has 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 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 lastly been submitted that the petitioner has no criminal antecedent as stated in Para 3 of the bail petition and is in custody since 19.03.2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that one of the two persons who had been assaulted by the petitioner and others, namely, Mohit Kumar had subsequently died due to the injury received during that assault.

6. Considering the aforesaid facts and circumstances of the case specially the fact that there is general and omnibus allegation against all the accused persons and also taking into account two orders which has been brought to the notice of this Court whereby one co-accused Sanjay Paswan was granted bail vide order dated 07.03.2025, passed in Cr. Misc. No. 11477 of



2025 while another co-accused, namely, Prushottam Ray @ Prushottam Kumar has also been granted bail vide order dated 07.03.2025, passed in Cr. Misc. No. 12245 of 2025, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Birpur P.S. Case No. 179 of 2024 , subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

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

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the



petitioner. However, the acceptance of bail bonds in terms of the above-mentioned.

7. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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