

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44159 of 2025

Arising Out of PS. Case No.-169 Year-2024 Thana- Bhawanipur District- Bhagalpur

Santosh Paswan @ Santosh Kumar Paswan S/o Bhushan Paswan Resident of
Village- Mauzmabad, P.S.- Bhawanipur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 01-09-2025 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Bhawanipur P.S. Case No. 169 of 2024, instituted for the offences punishable under Sections 126(2), 118, 109, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. The prosecution case, in short, is that, the petitioner along with other co-accused person started indiscriminate firing which hit the informant's son due to which he sustained gun shot injuries. It is further alleged that the petitioner gave repeated blow of knife on the neck of informant's son.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the allegation levelled against the petitioner is general and omnibus in nature. No specific allegation of assault has been attributed against the petitioner rather specific allegation of firing is against co-accused, Mukesh Kumar. It is also submitted that the petitioner is handicapped person having 45% disability. The petitioner is in custody since 09.12.2024 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 07.07.2025 passed in Cr. Misc. No. 40618 of 2025.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Bhawanipur P.S.
Case No. 169 of 2024, subject to the following conditions:

- (I) One of the bailors shall be own/close member of the family of the petitioner.
- (II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

Rajorshi/- (Rudra Prakash Mishra, J)

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