

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47910 of 2025

Arising Out of PS. Case No.-382 Year-2023 Thana- GOGRI District- Khagaria

Vishal Paswan @ Vishal Kumar Son of Vijay Paswan Resident of Village -
Bhagat Tola, Gogri, Police Station - Gogri, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ramakant Sharma, Sr. Advocate
	Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s :	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 11-07-2025 Heard Mr. Ramakant Sharma, learned Senior Counsel
for the petitioner and the learned APP for the State.

2. The petitioner seeks regular bail in connection with
Gogri P.S. Case No. 382 of 2023 for the alleged offences under
Sections 341, 326, 302 and 120(B) of the Indian Penal Code.

3. The prosecution is to the effect that one Md. Ayub
gave a written report alleging therein that his son namely Md.
Sonu was done to death near Simal cotton tree by miscreants
who had given him a knife blow. As per the FIR, it has been
stated that around 8 to 10 persons were standing there and the
informant identified three out of those persons namely (1) Vishal
(2) Ritesh (3) Gaurav Kumar@ Gaurav Yadav.

4. The learned Senior Counsel for the petitioner
submits that admittedly from the perusal of the FIR, it is evident



that no specific allegation of overt act levelled against the petitioner. The informant has though named three persons in the FIR but has not named the person who had stabbed. The learned Senior Counsel further submits that there is no eye-witness to the occurrence and the petitioner carries clean antecedent and he is in custody since 23.07.2024. It is also submitted by learned senior counsel for the petitioner that even from the plain reading of the FIR it would be evident that the informant has stated that among 7 to 8 persons one of them had killed his son, however, he has not named the person who had stabbed although he has claimed to identify a few. It is lastly submitted by learned senior counsel for the petitioner that FIR named accused person namely Md. Zubrail @ Meenu and Md Ulfat has been granted bail by a Co-ordinate Bench of this Hon'ble Court as well as Gaurav Kumar @ Gaurav has been granted bail by this Court *vide* order dated 21.04.2025 passed in Cr. Misc. No. 85964 of 2024.

5. The learned APP for the State has opposed the prayer for bail and has stated that the petitioner is named in the FIR and there is an allegation of stabbing the son of the informant on his chest as such the petitioner should not be released on bail.



6. Considering the aforesaid submissions made by the parties and taking into account that there is no specific allegation against the petitioner and also the fact that the petitioner is in custody since 23.07.2024, let the petitioner be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Chief Judicial Magistrate, Khagaria in connection with Gogri P.S. Case No. 382 of 2023 subject to the following conditions:-

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

(ii) The petitioner 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 petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the 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 order shall not be delayed for purpose of the same or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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