

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57857 of 2025

Arising Out of PS. Case No.-78 Year-2025 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Akshay Paswan @ Akshay Bijul Paswan S/o Bijli Paswan R/o Village- Vikrampur Ward No.- 10, P.S.- Cheriya Bariyarpur, District - Begusarai
 2. Om Paswan @ Om Shankar @ Om Shankar Kumar S/o Bhullu Paswan R/o Village- Vikrampur Ward No.- 10, P.S.- Cheriya Bariyarpur, District - Begusarai
 3. Ashok Paswan @ Ashok Kumar S/o Bijli Paswan R/o Village- Vikrampur Ward No.- 10, P.S.- Cheriya Bariyarpur, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar, Adv. Mr.Bhubneshwar Mahto, Adv
For the Opposite Party/s :		Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 27-08-2025

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Cheriya Bariyarpur P.S. Case No. 78 of 2025 instituted under Sections 126(2), 115(2), 109(1), 352, 3(5) of the BNS lodged on 30.05.2025 by the informant.

3. As per the prosecution story on 29.05.2025, all the FIR named accused persons came to the house of the informant and called his son and started assaulting him by fists and slaps. It has further been alleged that one Raghu Mahto assaulted his son with rod and when the informant intervened to rescue his son, he was assaulted by means of iron rod by petitioner no.3, Ashok Paswan and petitioner no. 1. Akshay Paswan throttled his neck.

4. Learned counsel for the petitioners submits that the



petitioners have falsely been implicated in this case and they have not committed any offence as alleged. The petitioners have got clean antecedents. The attribution of overt-act has been alleged to these petitioners but the injuries which are said to have been sustained by the informant's side during scuffle are simple in nature and the injury report is annexed with this anticipatory bail application as Annexure-P/2 which supports the contention of learned counsel for the petitioners. Learned counsel further has drawn the attention of this Court to the impugned order being ABA No. 1245 of 2025 passed by Additional Sessions Judge, Manjhaul, Begusarai *vide* order dated 23.07.2025 wherein it has been recorded that the independent witnesses in para-6 & 7 of the case diary have stated that only abuse and beating with sticks took place in the incident. The injury report is given in para-36 which shows that the injuries are abrasion & swelling and are simple in nature.

5. Learned APP vehemently opposes the prayer for anticipatory bail of the petitioners.

6. Taking into account the submissions of the parties and considering the fact that the petitioners do not have any criminal antecedent, the injuries which are said to have been sustained by the informant's side are simple in nature and the



said fact is found corroborated in the order impugned, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners, named above, be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with aforesaid P.S. Case to the satisfaction of learned A.C.J.M- Manjhaul, Begusarai subject to the conditions as laid down under Section 482(2) of the BNSS, 2023 as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Ajit Kumar, J)

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