

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66678 of 2025

Arising Out of PS. Case No.-48 Year-2015 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Rajesh Paswan, aged about 25 years (M), Son of Sirchan Paswan
 2. Mahesh Paswan, aged about 28 years (M) Son of Sirchan Paswan
Both are residents of Village - Lakhaura Purbari Tola, P.S. - Muffasil
(Lakhaura), District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-10-2025 Heard Mr. Abhishek Kumar, learned counsel
appearing on behalf of the petitioners and Mr. Uma Shankar
Prasad Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Lakhaura (Muffasil) P.S. Case No. 48 of 2015, registered
for the offence punishable under Sections 147, 148, 149, 323,
324, 307, 379, 448, 504 and 506 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners
along with other co-accused persons, with an intention to kill,
had assaulted the informant and his family members causing
injuries.

4. Learned counsel appearing on behalf of the



petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. The petitioners were given benefit of Section 41(1) of the Cr.P.C. and, thereafter, cognizance was taken under Sections 147, 148, 149, 447, 341, 323, 324, 325, 354, 308, 504 and 506 of the Indian Penal Code as would appear from the impugned order itself. Due to land dispute, an altercation took place between the parties, and in course of the same, the petitioners may have caused some injuries to the person of the informant and his family members, in their self defence, without intention. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the information contained in the impugned order that the petitioners were given benefit of Section 41(1) of the Cr.P.C. and, thereafter, cognizance was taken under Sections 147, 148, 149, 447, 341, 323, 324, 325, 354, 308, 504 and 506 of the Indian Penal Code and in absence of any discussion about the nature of injury and complicity of the petitioners in the alleged offence, I am of the opinion that



petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. Learned District Court is directed to verify the final injury report of the informant and his family members, who became victim of the assault of the petitioners and if the injuries are found to be simple in nature, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Lakhaura (Muffasil) P.S. Case No. 48 of 2015, subject to the condition as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

8. The present bail application stands disposed of.

(Purnendu Singh, J)

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