

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68951 of 2025

Arising Out of PS. Case No.-78 Year-2025 Thana- UPHARA District- Aurangabad

Mithilesh Paswan Son of Late Krit Paswan Resident of village Khaira, P.S.-
Upahara, District - Aurangabad.

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 73404 of 2025

Arising Out of PS. Case No.-78 Year-2025 Thana- UPHARA District- Aurangabad

Akhilesh Paswan @ Akhilesh Kumar Son of Ravindra Paswan Resident of
Village - Khaira, P.S. - Uphara, District - Aurangabad.

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 68951 of 2025)
For the Petitioner/s : Mr. Madhav Raj, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP
For the Informant : Mr. Priyanshu Kumar, Advocate
(In CRIMINAL MISCELLANEOUS No. 73404 of 2025)
For the Petitioner/s : Mr. Madhav Raj, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP
For the Informant : Mr. Priyanshu Kumar, Advocate

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

ORAL ORDER

3 19-11-2025 Heard learned counsel for the petitioners and learned APP

for the State as also learned counsel for the informant. Perused

the case diary.

2. The petitioners seek bail in connection with Uphara

P.S. Case No. 78 of 2025 instituted for the offence under



Sections 191(2), 191(3), 190, 126(2), 115(2), 117(2), 118(1), 109(1) & 103(1) of the Bharatiya Nyaya Sanhita, 2023.

3. The informant alleged that on 27.06.2025, her mother-in-law was brutally assaulted in a nearby field by 12 named and 5–7 unknown accused, and though police took her to the PHC, but she died during treatment. It is further stated that due to prior disputes and threats from her father, the accused persons jointly attacked and killed her, leading to the present FIR.

4. It has been submitted on behalf of the petitioners that the petitioner, namely, Mithilesh Paswan is in custody since 02.07.2025, whereas, petitioner, namely, Akhilesh Paswan is in custody since 29.08.2025 having two criminal antecedents, as per disclosure made in paragraph No. 3 of their respective bail applications.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case due to old existing dispute, as the FIR is based solely on suspicion without any eye-witness account. The story that they assaulted the deceased after seven years of marriage is wholly improbable, manufactured, and lodged at the behest of the informant's husband only to settle score from the earlier case



of 2019. During the entire investigation, no material has been collected connecting the petitioners with the occurrence, and the case rests on incomplete circumstantial evidence.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioners. Learned counsel fervently submitted that dying declaration of the deceased was recorded wherein she has clearly stated that petitioners and other accused persons have assaulted her, which fact finds mention at paragraph No. 23 of the case diary. As per postmortem report, cause of death is hemorrhage shock, leading to CR failure due to chest trauma by hard, blunt object, thereby further corroborating the prosecution's case.

7. Considering the aforesaid facts and circumstances of the case, there being allegation against the petitioners, which is corroborated by the statement of the deceased in her dying declaration as also the fact that postmortem report also corroborates the allegation against the petitioners, this Court is not inclined to grant bail to the petitioners. Prayer for grant of bail to the petitioners is hereby *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and



unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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