

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70825 of 2025

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

Kamlesh Paswan S/o Late Krit Paswan R/o Village- Khaira, P.S.- Uphara,
District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Raj, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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

ORAL ORDER

4 01-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Uphara
P.S. Case No. 78 of 2025 instituted for the offences 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. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case due to previous disputes. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that informant is not the eye-witness to the present occurrence and merely on the suspicion, the petitioner has been named in the present case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.07.2025 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that dying declaration of the deceased was recorded wherein she has clearly stated that petitioner and other accused persons assaulted her, which fact finds mention at paragraph no. 23 of the case diary. As per post-mortem 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. Learned APP further submitted that the prayer for grant of bail to the co-accused person has already been rejected by this Court vide order dated 19.11.2025 passed in Cr. Misc. No. 68951 of 2025.



6. Considering the aforesaid facts and circumstances of the case as also the material surfaced during the investigation against the petitioner which is supported by the post-mortem report, this Court is not inclined to grant bail to the petitioner at this stage.

7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

8. Learned Trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

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