

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70916 of 2025**

Arising Out of PS. Case No.-10 Year-2025 Thana- Kawaiya District- Lakhisarai

1. Balram Paswan S/o Asharfi Paswan R/o Village- Shailesh Asthan, ward no. 20, PS- Kabaiya, Distt.- Lakhisarai
2. Malhu Saw @ Mallu Saw S/o Nandlal Saw R/o vill - Bishahari Asthan, ward no. 20, P.S.- Kabaiya, Distt.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rabi Bhushan, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

3      25-11-2025                      Heard learned counsel for the petitioners and  
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Kabaiya P.S. Case No. 10 of 2025, registered for the offence punishable under Sections 126(2), 115(2), 351, 352, 109(1), 3(5) of B.N.S. and Sections 25(1-B), 26, 27 and 35 of Arms Act and Section-37 of Bihar Prohibition and Excise Act, 2022.

3. As per prosecution-case, the informant was taking meal in his house. Meanwhile, some one repeatedly knocked at the gate. When informant's mother opened the gate, it is alleged that petitioner and others, in drunken state, started



abusing the informant and they were stating that they would kill the informant. On *hulla*, the informant and his father came out of the house when the co-accused is said to have fired upon the informant and informant and his father shut the gate and came inside the house and dialed 112. When the informant tried to take videograph of the incident, again firing was made by co-accused Teni Ram which was not covered in the video clip due to darkness, but the sound of firing was captured in the video. Others were hurling abuses and they also assaulted the informant's mother with fists and slaps. When the police arrived at the place of occurrence, three empty cartridges and one misfired bullet were handed over to the police.

4. Learned counsel for the petitioners submits that the allegations against the petitioners are quite vague and there is no specific overt act alleged against the petitioners rather allegations are general and omnibus in nature and no offence as alleged in the F.I.R. is made out against the petitioners. Petitioner No. 1 has no criminal antecedent as he has been acquitted in all the three cases in his antecedent and petitioner No. 2 though bears five criminal antecedent, but he has been acquitted in three cases and in two case he has already been released on bail. Learned counsel for the petitioner submits that



there is a specific allegation of firing against the co-accused Teni Ram and there is no allegation of firing levelled against the petitioners and co-accused Sanjit Mandal, on the same and identical allegation, has already been granted anticipatory bail by a Co-ordinate Bench of this Court vide Cr. Misc. No. 69162 of 2025 and on the principle of parity petitioners deserve anticipatory bail.

5. Learned A.P.P. vehemently opposes the prayer of anticipatory bail of the petitioners and submits that there is an allegation against the petitioners and they cannot escape from the allegation made in the F.I.R. Hence, petitioners do not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, **co-accused, on the same and identical allegation, has already been granted bail by a Co-ordinate Bench of this Court**, arguments advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned



Addl. District & Sessions Judge-IV-cum-Special Excise Court-  
1st, Lakhisarai in connection with Kabaiya P.S. Case No. 10 of  
2025, subject to the conditions as laid down under Section-  
482(2) of B.N.S.S.

7. The application stands allowed.

**(Alok Kumar Pandey, J)**

K.C.Jha/-

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