

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74321 of 2025

Arising Out of PS. Case No.-173 Year-2025 Thana- KAUWAKOL District- Nawada

1. Aashish Kumar Son of Mahesh Paswan, Resident Of Village -Darama Ps -Kawakole District -Nawada
2. Ramashish Kumar son of Mahesh Paswan, Resident Of Village -Darama Ps -Kawakole District -Nawada
3. Babita Devi Wife of Mahesh Paswan, Resident Of Village -Darama Ps -Kawakole District -Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-12-2025 Heard learned Advocate for the petitioners and
learned Advocate for the State.

2. The petitioners apprehend their arrest in connection with Kawakole P.S. Case No.173 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 109, 352, 351(3) and 3(5) of the BNS, 2023.

3. In the morning of the fateful day, while co-accused Mukesh Paswan filling soil in the field of the informant and when the same was protested, all the accused persons brutally assaulted him and his family members. It is specifically alleged that petitioner no.1 assaulted the son of the informant by means of spade over his head, due to which he sustained cut injury,



besides injury over his head. So far petitioner no.2 is concerned, it is specifically alleged that he along with co-accused Ratan Kumar assaulted the wife of the informant by means of iron rod, whereas petitioner no.3 along with another co-accused person also assaulted the wife of the informant by means of rod, due to which she sustained serious injuries.

4. Learned Advocate for the petitioners contended that from the narratives made in the FIR, it is evident that on account of a land dispute, the parties entered into a free fight, resulting into injuries to persons of both the sides, leading to institution of case and counter case, being Kawakole P.S. Case No.165 of 2025, against the informant and others. So far the injuries allegedly sustained to the informant and others are concerned, all the injuries have been found to be simple in nature, except one injury sustained to the wife of the informant. However, the impugned order does not disclose as to on which part of the body, the same has sustained. Moreover, the injuries have been attributed against four of the persons as is apparent from the FIR. Be that as it may, the petitioners are the persons of fair antecedent and they undertake that they will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that all



the three persons were brutally assaulted, due to which one has sustained a grievous injury and others have sustained simple injuries and thus complicity of the petitioners cannot be denied in the crime.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and considering the factum of case and counter case, coupled with the simple nature of injury, except one sustained to the wife of the informant, which has been attributed against four persons, coupled with the fair antecedent, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Nawada in connection with Kawakole P.S. Case No.173 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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