

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76515 of 2024

Arising Out of PS. Case No.-399 Year-2024 Thana- HARSIDHI District- East Champaran

1. Chandesh Paswan S/o- Balkishun Paswan Resident of village- Bagaha Ps- Harsidihi District- East Champaran
2. Ambika Paswan S/o- Dasai Paswan Resident of village- Bagaha Ps- Harsidihi District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 20-02-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 103 and 3(5) of the Bharatiya Nyaya Sanhita.

3. The case of the prosecution is that when the informant was sitting at his door, the petitioners along with others being armed with 'lathi' and 'farsa' came there and started abusing and destroying the 'hut' of the informant. It is further alleged that when the informant and his mother objected to it, all the accused persons started assaulting. It is further



alleged that on the order of Raju Sah, accused, namely Mukhi Sah assaulted the informant's mother by means of '*lathi*' on her head, as a result of which, she died. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has falsely been implicated in connection with the present case. It is further submitted that the main thrust of allegation is against co-accused, Mukhi Sah, who assaulted the mother of the informant, not against these petitioners. There is general and omnibus allegation against these petitioner. On perusal of the post-mortem report, learned counsel for the petitioners submits that there is only one lacerated wound injury on the forehead of the deceased which was caused by accused, Mukhi Sha. Moreover, the petitioners are languishing in judicial custody since 21.07.2024 having no criminal antecedent.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Harsidhi P.S. Case No. 399 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned
Judicial Magistrate, 1st Class, Sadar, Motihari.

(Ashok Kumar Pandey, J)

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