

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78303 of 2025

Arising Out of PS. Case No.-271 Year-2025 Thana- PAKRIDAYAL District- East Champaran

1. Pankaj Kumar S/o Rambabu Paswan R/o village- Chaita Daghnिया Tola (Daghar Tola), P.S.- Pakaridayal, Dist- East Champaran
2. Rajesh Paswan @ Ranjesh Paswan S/o Shiv Paswan R/o village- Chaita Daghnिया Tola (Daghar Tola), P.S.- Pakaridayal, Dist- East Champaran
3. Ranjeet Paswan S/o Shiv Paswan R/o village- Chaita Daghnिया Tola (Daghar Tola), P.S.- Pakaridayal, Dist- East Champaran
4. Udeshi Paswan S/o Late Bujhawan Paswan R/o village- Chaita Daghnिया Tola (Daghar Tola), P.S.- Pakaridayal, Dist- East Champaran
5. Videshi Paswan S/o Late Bujhawan Paswan R/o village- Chaita Daghnिया Tola (Daghar Tola), P.S.- Pakaridayal, Dist- East Champaran
6. Shanoj Paswan S/o Videshi Paswan R/o village- Chaita Daghnिया Tola (Daghar Tola), P.S.- Pakaridayal, Dist- East Champaran
7. Santosh Paswan S/o Videshi Paswan R/o village- Chaita Daghnिया Tola (Daghar Tola), P.S.- Pakaridayal, Dist- East Champaran
8. Ashok Paswan S/o Udeshi Paswan R/o village- Chaita Daghnिया Tola (Daghar Tola), P.S.- Pakaridayal, Dist- East Champaran
9. Amarendra Paswan S/o Upendra Paswan R/o village- Chaita Daghnिया Tola (Daghar Tola), P.S.- Pakaridayal, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar II, Adv.

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 03-12-2025

Heard the parties.

2. At the very outset, learned counsel for the petitioners submits that during pendency of the present anticipatory bail, petitioner no. 4, has been arrested, he therefore, seeks permission to withdraw the application for anticipatory bail with respect to petitioner no.4.



3. Permission is accorded.

4. Accordingly, the application for anticipatory bail with respect to petitioner no.4, namely, Udeshi Paswan stands dismissed as withdrawn.

5. Now, the prayer for anticipatory bail of petitioners no.1, 2, 3, 5, 6, 7, 8 and 9 is being considered as they are apprehending their arrest in connection with Pakridayal P.S. Case No. 271 of 2025 instituted under Sections 191(2), 191(3), 190, 329(3), 126(2), 115(2), 127(2), 118(2) 109, 125(a), 117(2), 324(4), 352, 351(2) of the BNS, lodged on 10.06.2025 by the informant.

6. As per the prosecution story, the informant alleged that on 09.06.2025 at about 10.00 PM, petitioner no.1, Pankaj Kumar was throwing fire crackers to her door and when she protested to the same, all the FIR named accused persons including these petitioners armed with various weapons came to her door and started abusing her and forcibly dragged her husband to the field and one of the accused persons, namely, Sandeep Paswan with intention to kill her husband assaulted by means of *Garasa* on his head inflicting grievous injury leading to severe bleeding. It is further alleged that one another accused, namely, Sunil Paswan assaulted the husband of the informant by



means of *Bhala* causing injuries on left hand and left leg while another accused, Shiv Paswan assaulted him by means of rod indiscriminately. When the neighbours of the informant came to rescue them, they were also assaulted. Accordingly, the FIR.

7. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to petty disputes of cracking fires and they have not committed any offence as alleged in the FIR. Learned counsel for the petitioners next submits that from the FIR itself, it is evident that the specific allegation of overt-act is against co-accused, Sandeep Paswan, Sunil Paswan and Shiv Paswan while there is nothing specific has been alleged against these petitioners. It has next been submitted that the petitioners have got no criminal antecedent and mother of petitioner no.3 has also registered an FIR being Parkridayal PS Case No. 275 of 2025 against informant and her family members.

8. Learned APP on being confronted does not dispute the factual position while he submits that the injury report which is appended with the present application as Annexure P/2 suggests that the injuries received by the victim are grievous in nature and hence, they do not deserve the privilege of anticipatory bail.



9. Considering the fact that there is nothing specific alleged against these petitioners while the accused persons, against whom there is specific allegations of overt-act is there in the FIR itself, are not here as the petitioners and the petitioners have got clean antecedent, this Court is inclined to extend the privilege of anticipatory bail to petitioners no. 1, 2, 3, 5, 6, 7, 8, and 9.

10. Let the petitioners no.1, Pankaj Kumar, 2. Rajesh Paswan @Ranjesh Paswan, 3. Ranjeet Paswan, 5. Videshi Paswan, 6. Shanoj Paswan, 7. Santosh Paswan, 8. Ashok Paswan and 9. Amarendra Paswan be released on bail, in the event of their arrest or surrender before the subordinate court within a period of six weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with aforesaid P.S. Case to the satisfaction of learned Chief Judicial Magistrate, Motihari subject to the conditions as laid down under Section 482(2) of the BNSS including the following conditions.

(i) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court



and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Ajit Kumar, J)

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