

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81938 of 2025

Arising Out of PS. Case No.-83 Year-2025 Thana- Amhara P.S. (I.I.T.A. Bihta) District- Patna

Sanjay Paswan @ Sukhu Paswan S/O Lothu Paswan @ Girja Paswan R/O
Village- Molahimpur, P.S.- I.I.T. Amhara, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawnit Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with I.I.T. Amhara P.S. Case No. 83 of 2025 registered for the alleged offences under Sections 126(2), 115(2), 109, 303(2), 118(1), 352, 351(2), 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, aggrieved by the opposition of the informant to the selling of illicit liquor by petitioner, the petitioner and other co-accused persons, armed with deadly weapons, assaulted the informant with *dab* and sickle.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Learned counsel further submits that there is no application of Section 109 of BNS in the present case as there was no intention to kill the informant. An altercation took place between the petitioner and father of the informant prior to the occurrence and as a matter of fact, it was the informant who started abusing the petitioner and thereafter, assaulted the petitioner and the petitioner acted in his self defence. Both sides received injury and whatever injury has been received by the informant, it was during this altercation and scuffle. Learned counsel further submits that there was no deliberate assault on the informant and occurrence took place in course of scuffle and fight between the informant and petitioner. Learned counsel further submits that there is no likelihood of early conclusion of trial. The petitioner is having antecedent of two cases and he is on bail in both the cases. The petitioner is in custody since 13.05.2025 and charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be



released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Danapur, Patna/court concerned in connection with I.I.T. Amhara P.S. Case No. 83 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

Ashish/-

(Arun Kumar Jha, J)

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