

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82088 of 2025

Arising Out of PS. Case No.-172 Year-2025 Thana- BASOPATTI District- Madhubani

Bharat Paswan Son of Maheshwar Paswan Resident of Village- Mahinathpur,
P.S.- Basopatti, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Adv.

For the State : Dr. (Mrs.) Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-12-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Basopatti P.S. Case No. 172/2025 registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 118(1), 109, 303(2), 132, 121(1), 121(2), 352 and 351(2) of the B.N.S. and Section 27 of the Arms Act.

3. As per prosecution case, on 23.07.2025 petitioner/ Bharat Paswan was stopped by the constable Raju Kumar Ram and on enquiry he disclosed that he was going to Nepal carrying fertilizer. Raju Kumar Ram asked to get the sack checked but



the same was protested by the petitioner due to which a verbal scuffle took place between them and petitioner called his brother Lal Mohan Paswan and 50-60 people gathered and the said group was led by co-accused Lal Mohan Paswan. It is alleged that the mob pushed constable Ram Kumar Ram and started abusing and assaulting him and in the meantime, unknown person fired upon constable Ram Kumar Ram. It is further alleged that mob surrounded constable Ram Kumar Ram and started assaulting him and they also pelted stone on the police officials. Thereafter Raju Kumar Ram fired three rounds from his rifle in his defence. On the basis of CCTV footage, the petitioner and others are said to have participated in the alleged occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case due to village politics and previous enmity. Petitioner bears no criminal antecedent. He further submits that there is no specific overt-act against the petitioner rather allegation is general and omnibus in nature. From perusal of the FIR, it appears that unknown person fired upon Raju Kumar Ram. He further submits that no firearm has been recovered from conscious possession or house of the



petitioner. He further submits that on similar and identical allegation, co-accused Raju Paswan and others have already been granted anticipatory bail by this Court vide Cr. Misc. No. 74796 of 2025 and on principle of parity, petitioner deserves anticipatory bail.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner is FIR named accused and he cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, there is no specific overt-act against the petitioner, on similar and identical allegation, co-accused has already been granted anticipatory bail by this Court, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Madhubani in connection with Basopatti P.S. Case No. 172 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)

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