

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5465 of 2026

Arising Out of PS. Case No.-149 Year-2024 Thana- GADHPURA District- Begusarai

Moti Paswan Son of Late Baleshwar paswan Resident of Village- Baluaaha Ps
-Garhpura District -Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 17-04-2026 Heard Mr. Mahendra Thakur, learned counsel for the
petitioner and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner is in custody in connection with Garhpura P.S. Case No. 149 of 2024 for the offence punishable under Sections 103(1), 115(2), 117(2), 126(2), 3(5) of the B.N.S. lodged on 11.12.2024 by the informant, Mukun Devi.

3. As per the prosecution story, the informant alleged that petitioner along with his family members physically assaulted her husband, who was taken to Sanjeevani Hospital for treatment for spinal fracture, ultimately, he succumbed to the said injury, despite the operation that took place. The death happened on 10.12.2024, whereafter the FIR was lodged on 11.12.2024.

4. Learned counsel for the petitioner submits that the occurrence took place on 22.09.2024, the death took place on



10.12.2024 and only thereafter FIR was lodged. The petitioner has no criminal antecedent and it was a case of sudden

5. Earlier, this Court called for the Trial Court Report and the report dated 11.03.2026 shows that out of twelve charge-sheet witnesses, only one has been examined.

6. Learned counsel for the petitioner submits that charge-sheet has been submitted under Section 105 of BNSS (corresponding to Section 304 of IPC), he has remained in custody since 15.03.2025, has no criminal antecedent and if granted relief, shall ensure to appear diligently in trial on each and every date and failure to do so, the Trial Court can take immediate steps for the cancellation of the bail bond. Further, under no circumstance, he/his family member will come anywhere near to the informant and/or the other prosecution witnesses.

7. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 30,000/- through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

8. Learned APP opposes the prayer for bail submitting



that the assault made by him proved fatal for the deceased.

9. Allegation is there, the role of the petitioner is already on record, the charge-sheet has been submitted under Section 105 of BNSS, the Trial Court Report shows that out of 12 witnesses, only one has been examined, is in custody since 15.03.2025, has no criminal antecedent, an undertaking has been given that he shall be diligently appearing in trial without fail and failure to do so, the Trial Court shall be immediately canceling his bail bond, in that background, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 30,000/- to the informant as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local branch of the State Bank of India/any Nationalized Bank to be submitted to the Trial Court.

10. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge IX, Begusarai in connection with Garhpura P.S. Case No. 149 of 2024 subject to the following conditions:

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

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioner 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;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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