

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17372 of 2026

Arising Out of PS. Case No.-30 Year-2025 Thana- AKHODHIGOLA District- Rohtas

Anil Paswan @ Anil Kumar @ Anil Kumar Paswan, Son of Rajendra Paswan,
Resident of Village - Mahuwari, Police Station - Akorhigola, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajani Kant Singh, Advocate
For the State	:	Mr.Madan Kumar, APP
For the Informant	:	Mr. Vikalp, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 14-07-2026 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Akodhigola P.S. Case No. 30 of 2025, registered for the alleged offence under Sections 137(2), 140(2), 140(1), 352, 351(3) and 3(5) of BNS.

3. As per prosecution case, the minor son of the informant, who was in love affair with the daughter of the petitioner, went missing. The informant named co-accused persons, who told him that they have done away with the life of his son. Subsequently, the dead body of the son of the informant was found in a canal.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. From the FIR, it is clear that nobody has seen the occurrence and the informant is not an eye witness. Merely on suspicion, the petitioner has been implicated by the informant in the present case. There is no cogent material against the petitioner to show his involvement. The learned counsel further submits that the post mortem report shows the son of the informant died due to droning as the cause of death has been stated to be asphyxia due to droning. The learned counsel also submits that the petitioner is in custody since 27.11.2025 is having clean antecedent. The charge sheet has been submitted.

5. Learned APP for the State as well as learned counsel for the informant oppose the submission made on behalf of the petitioner. The learned counsel for the informant submits that the trial has started and two prosecution witnesses have been examined in this case. The learned counsel also refers the judgment of the Hon'ble Supreme Court in the case of *X vs. State of Rajasthan and another*, reported in **2024 SCC OnLine SC 3539** wherein it has been held that ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath



in entertaining the bail application of the accused.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties, the present case appears to be one where this Court could intervene even if the trial has proceeded since there appears no substantive material against the petitioner and the post mortem report does not support the prosecution case against the petitioner.

7. Accordingly, 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 Sub-Divisional Judicial Magistrate-Dehri, Rohtas at Sasaram/court concerned in connection with Akodhigola P.S. Case No. 30 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.

(Arun Kumar Jha, J)

V.K.Pandey/-

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