

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19532 of 2026

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

Dipak Sah S/o Surendra Sah R/o vill- Mahinathpur, ward no. 7, P.S.-
Basopatti, Distt.- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Bhavesh Kumar Sah, Advocate
	:	Mr. Archana Aanand, Advocate
For the Opposite Party/s	:	Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-03-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 23.12.2025 in connection with Basopatti P.S. Case No. 172 of 2025 for the offences punishable under Sections 191(1), 191(2), 190, 126(2), 115(2), 118(1), 109, 303(2), 132, 121(1), 121(2), 352 and 351(2) of BNS, 2023 and Section 27 of Arms Act.

3. The prosecution story, in brief, is that the informant who is SSB police lodged FIR alleging therein that on 23.07.2025 he alongwith other staff was posted at Mahinathpur check post and at about 10 AM one person, namely, Bharat Paswan was crossing Indian territory to Nepal with a sack containing manure and he was intercepted by police Raju Kumar



Ram and there was hot talk between them and said Bharat Paswan called his villager as a result one Mohan Paswan was leading mob in which mob came and they started assaulting Raju Kumar Ram mob because aggressive and amongst the mob someone fired and mobs assaulted Raju Kumar Ram with rock on head and slapped and objected in discharging public duty. Constable Raju Kumar Ram in his defence fired rifle as a result of which mob scattered and informant along with other constable were started going to hospital for treatment of Raju Kumar and in the way at Mahinathpur village in the narrow passage Ward No. 6 mob started assaulting and got him fell down and one co-accused Surendra Raut tried to snatch rifle of Raju Kumar Ram and mob fired which hit left hand and one villagers also sustained fire injury who was Bharat Paswan. On the basis of CCTV, accused were identified and lastly said that apart from it, mob was instigated by 1. Rakesh Sah (petitioner) Shyam Chaudhary and Upendra Paswan (who is Ration dealer).

4. Learned counsel for the petitioner submits that the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR. It is next submitted that petitioner is not named in the FIR and the name of the petitioner has transpired during the investigation on



the basis of CCTV camera footage. It is next submitted that although the petitioner is seen in the CCTV camera footage but there is no specific allegation of assault or overt act rather there is general and omnibus allegation against the accused persons including the petitioner and for the same set of allegation, co-accused persons Bharat Paswan has been granted anticipatory bail vide order dated 23.12.2025 passed in Cr. Misc. No. 82088 of 2025, Raju Paswan, Satya Narayan Paswan, Shatrughan Paswan have been granted anticipatory bail vide order dated 24.11.2025 passed in Cr. Misc. No. 74796 of 2025, Rakesh Kumar Sah has been granted regular bail vide order dated 03.12.2025 passed in Cr. Misc. No. 67695 of 2025, Dinesh Paswan has been granted regular bail vide order dated 22.12.2025 passed in Cr. Misc. No. 74360 of 2025 and Surendra Raut has been granted regular vide order dated 12.02.2026 passed in Cr. Misc. No. 5670 of 2026.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has antecedent of one case other than the present case but fairly submits that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances



and the fact that for the same set of allegation, co-accused persons Bharat Paswan has been granted anticipatory bail vide order dated 23.12.2025 passed in Cr. Misc. No. 82088 of 2025, Raju Paswan, Satya Narayan Paswan, Shatrughan Paswan have been granted anticipatory bail vide order dated 24.11.2025 passed in Cr. Misc. No. 74796 of 2025, Rakesh Kumar Sah has been granted regular bail vide order dated 03.12.2025 passed in Cr. Misc. No. 67695 of 2025, Dinesh Paswan has been granted regular bail vide order dated 22.12.2025 passed in Cr. Misc. No. 74360 of 2025 and Surendra Raut has been granted regular vide order dated 12.02.2026 passed in Cr. Misc. No. 5670 of 2026. let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Judicial Magistrate-1st Class, Madhubani in connection with Basopatti P.S. Case No. 172 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be canceled by the Court below.



ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

U		T	
---	--	---	--

