

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19418 of 2026

Arising Out of PS. Case No.-798 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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Birendra Paswan S/o- Late Shivismangal Paswan R/v- Ramgadhwa Ps-
Muffasil Motihari Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

4 27-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Motihari Mufasil P.S. Case No. 798 of 2025, registered under
Sections 103(1), 61(2) and 3(5) of the Bharatiya Nyaya Sanhita,
2023.

3. As per the prosecution case, the background to the
occurrence is a land dispute inter se the parties. On 28.11.2025,
the accused, including the petitioner herein, were having the
disputed land measured. The informant's son, Manish Kumar,
was not satisfied with the measurement carried out on that date,
and accordingly, 13.12.2025 was fixed for a fresh measurement.
However, on 11.12.2025, two days prior to the scheduled re-



measurement, the accused persons, including co-accused Bhagmati Devi (petitioner in connected Cr. Misc. No. 17916 of 2026) and the present petitioner Birendra Paswan, came to the door of the informant's son. Thereafter, the above-named persons, along with some unidentified individuals, are alleged to have assaulted Manish Kumar. On being informed, family members rushed to the spot, whereupon the accused fled; only two females among the accused could not escape and were apprehended.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated and that the allegations levelled against him are general and omnibus in character, arising from a pre-existing land dispute. In this connection, it is relevant to note that Chandan Paswan, son of the present petitioner, has himself confessed his involvement in the occurrence. Chandan Paswan states that he had informed his mother, his aunt, and his father, the present petitioner, about the matter prior to the occurrence. He further states that one Rupesh had an interest in calling Manish Kumar to the spot, and that two friends of Rupesh Kumar came and stabbed Manish Kumar. Chandan Paswan's statement also attests to the presence of the petitioner in the vicinity at the time of the occurrence; however,



no specific overt act is attributed to the petitioner in the said statement. It is further submitted that the petitioner has no criminal antecedent whatsoever and has been in custody since 20.12.2025.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. I have considered the submissions advanced on either side and perused the case diary. The offences registered are serious: Section 103(1) of the BNS pertains to murder, and the petitioner is roped in under Section 3(5) on the theory of common intention. These considerations weigh against the petitioner. At the same time, a careful reading of the material on record discloses that the case against the present petitioner rests substantially on his alleged presence at the place rather than on any specific overt act attributed directly to him. His son Chandan Paswan, who has confessed his own involvement, does not assign any particular role to the petitioner in the attack on Manish Kumar. The genesis of the dispute is a land measurement controversy between the parties, and the allegations, insofar as they concern the present petitioner, are of an omnibus nature. The petitioner has no criminal antecedent, and the period of custody, running from 20.12.2025 to the



present date, now exceeds five months. Charge has not yet been framed. Taking an overall view of the facts and circumstances, and bearing in mind that the question of guilt is entirely a matter for the trial court, I am of the considered opinion that the petitioner is entitled to bail, subject to appropriate conditions.

7. Accordingly, let the petitioner, Birendra Paswan, be released on bail upon furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each, to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari, or the concerned court below, in connection with Motihari Mufasil P.S. Case No. 798 of 2025.

8. It is made clear that any observation made herein is prima facie in nature and is limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner whatsoever.

(Ansul, J)

Ranjeet/-

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