

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23472 of 2026

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

1. Phulgen Paswan @ Phulgain Paswan S/O Ramsagar Paswan Resident of Village- Mahinathpur, P.S- Basopatti, Distt.- Madhubani.
2. Rajendra Paswan S/O Dukhi Paswan Resident of Village- Mahinathpur, P.S- Basopatti, Distt.- Madhubani.
3. Krishan Kumar S/O Bande Paswan Resident of Village- Mahinathpur, P.S- Basopatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 18-04-2026 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case 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 Arms Act.

3. As per the prosecution case, on 23.07.2025 co-accused Bharat Paswan was stopped by the constable Raju Kumar Ram and a verbal scuffle took place between them and the said Bharat Paswan called one 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 Raju Kumar Ram and started abusing and assaulting him and in the meantime, unknown persons fired upon constable with intention



to kill. Thereafter, Raju Kumar Ram fired three rounds from his rifle in his defence.

4. Learned counsel for the petitioners submits that, as many as, 18 persons have been named in the First Information Report along with 30-35 unknown persons who have been made an accused in the present FIR with allegations of entering into a verbal scuffle and then physical altercation with the police personnel. So far as the petitioner is concerned, it has been submitted that he has not been named in the FIR and his name has transpired subsequently during the course of investigation on the basis of CCTV footage, however, no specific allegation has been attributed to the petitioner. It is further submitted that other co-accused persons, namely, Raju Paswan and Ors. and Puran Prasad Sah have been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court vide order dated 24.11.2025 and 01.04.2026 passed in Cr. Misc. No.74796 of 2025 and Cr. Misc. No.18382 of 2026. It has also been submitted that petitioners will not abscond and would cooperate in the investigation.

5. Learned APP for the State opposed the prayer for anticipatory bail on the basis of allegations made in the First Information Report.



6. Taking into consideration the facts and circumstances and considering the fact that the petitioners are not named in the First Information Report and more so, there are general and omnibus allegations, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Basopatti P.S. Case No. 172 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, subject to condition(s) that:

- (i) One of the bailors will be their own blood relative.
- (ii) The petitioners shall co-operate with the investigation, if not already concluded and make themselves available as and when so required, failing which the prosecution will be at liberty to move cancellation of their bail bond.

(Soni Shrivastava, J)

anand/-

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