

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27175 of 2026

Arising Out of PS. Case No.-28 Year-2026 Thana- BABUBARHI District- Madhubani

1. Shiv Kumar Paswan S/O Jogi Paswan Resident of Village- Kabiya, P.S. Babubarhi, District- Madhubani.
2. Rekha Devi W/O Jogi Paswan Resident of Village- Kabiya, P.S. Babubarhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-04-2026 Heard Mr. Shailendra Kumar Jha, learned counsel
for the petitioners and Mr. Umeshanand Pandit, learned
Additional Public Prosecutor for the State.

2. The petitioners seek bail, who are in custody since
15.01.2026 in connection with Babubarhi P.S. Case No. 28 of
2026, F.I.R. dated 11.01.2026 for the offences punishable under
Sections 126(2), 115(2), 118(1), 109, 74, 351(2), 352, 3(5) of
Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, in the backdrop of
petty feud of cutting bamboo, the altercation took place and in
consequence thereof, the petitioner No. 1 is said to have
assaulted the informant with Dabiya and when the informant's



wife came to rescue, she was also assaulted by co-accused, Jogiya Paswan.

4. Learned counsel for the petitioners submits that from perusal of the FIR, it appears that due to some petty dispute (land dispute), the present occurrence has taken place. There is case and counter case between the parties. Although the petitioners are named in the FIR but the FIR speaks the allegation that they assaulted the informant and his family members. The injury report suggests that out of the injuries sustained by the informant, some injuries are grievous in nature but the police after investigation, submitted charge sheet in the case and the petitioners are in custody since 15-01-2026.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are participants in the occurrence. It has also been submitted that the petitioners carry one more criminal antecedent other than the present one but fairly submits that they are on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioners, 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



Judicial Magistrate-Ist Class, Madhubani in connection with Babubarhi P.S. Case No. 28 of 2026, with the following conditions:

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

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