

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27410 of 2026

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

1. Jogi Paswan @ Yogi Paswan Son of Dhyani Paswan Resident of Village- Kabiya, P.S.- Babubarhi, District- Madhubani
2. Rambhajan Paswan @ Ram Jatan Paswan Son of Jogi Paswan @ Yogi Paswan Resident of Village- Kabiya, P.S.- Babubarhi, District- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-04-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Babubarhi P.S. Case No. 28 of 2026 corresponding to G.R. No. 113 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 118(2), 109, 74, 351(2), 352, 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. As per FIR, the accused persons including both petitioners assaulted the informant and others during course of occurrence and also outrage the modesty of wife of the informant during the occurrence.



4. Learned counsel appearing on behalf of the petitioners submitted that petitioner no. 1 is the own brother of the informant and due to land dispute the present occurrence took place. It is submitted that occurrence was of free-fight in nature, for which petitioners' side also lodged a case which was registered as Babubarhi P.S. Case No. 43/2026. It is pointed out that the occurrence was free-fight and scuffling took place between the parties, which was the apparent reason for displacement of cloth over the body of the female of both parties and therefore allegation as raised that the petitioner no.1 was involved in disrobing the wife of informant, who is none but the Bhabhi of the petitioner no. 1 is not appears convincing. It is submitted that both petitioners involved in one more criminal case, where they are on bail.

5. Learned A.P.P. for the State, while opposing the prayer of anticipatory bail of the petitioners, submitted that specific allegation is available against petitioner no. 2 namely, Rambhajan Paswan @ Ram Jatan Paswan as to cause multiple injuries on head and other parts of the body, which upon medical examination, found grievous in nature.

6. In view of aforesaid factual submission as occurrence was *prima facie* free-fight, petitioner no. 1 namely, Jogi Paswan



@ Yogi Paswan, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Madhubani/concerned court in connection with Babubarhi P.S. Case No. 28 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

7. So far as the prayer of anticipatory bail with regard to petitioner no. 2 is concerned, as the allegation against petitioner no. 2 namely, Rambhajan Paswan @ Ram Jatan Paswan is specific to cause multiple injury upon the head of the son of the informant, which found grievous in nature, accordingly, prayer of anticipatory bail of petitioner no. 2 stands rejected for the present.

(Chandra Shekhar Jha, J)

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