

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28047 of 2026

Arising Out of PS. Case No.-678 Year-2025 Thana- GAYA MUFASIL District- Gaya

1. Kaushal Kumar S/o Bugar Paswan @ Sunil Paswan R/o Village - Bhore, P.S.- Buniyadganj, District -Gaya jee.
2. Bugar Paswan @ Sunil Paswan Son of Late Sukhdeo Paswan R/o Village - Bhore, P.S.- Buniyadganj, District -Gaya jee.
3. Umesh @ Kara Paswan @ Umesh Kumar Surhbansi @ Umesh Kumar Dudhbanshi S/o Late Ganauri Paswan R/o Village - Bhore, P.S.- Buniyadganj, District -Gaya jee.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pushp Raj Singh, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-05-2026 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 Muffasil P.S. Case No. 678 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 109, 352, 329(3) & 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.') and section 27 of the Arms Act.

3. As per FIR, the petitioners came to the house of the informant and suddenly started abusing, when it was protested by the informant, he was assaulted on backside of his head by using butt of pistol, which caused swelling on his head. It is



alleged that the occurrence was reported to Helpline No. 112 whereafter these petitioners after opening fire in air fled away.

4. Learned counsel appearing on behalf of the petitioners submitted that occurrence was free-fight in nature for which the petitioners have also lodged a case which has been registered as Muffasil P.S. Case No. 679/2025.

5. It is pointed out that informant nowhere appears to disclose the name of the person who assaulted on his head from backside and even if this allegation be accepted as correct, it can be safely arrived to conclusion that the petitioners were not under intention to cause his death for the reason that having all occasion to open fire upon the head of the informant having fire-arm in their hand, they chose to assault only by using butt of the pistol, rather than open actual firing, which is sufficient to gather that petitioners were not under intention to cause death of the informant. It is pointed out that admittedly the informant was not examined medically. Petitioners claimed clean antecedent.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. In view of the aforesaid factual submissions and by taking note of the fact as *prima facie* even the allegation qua



assaulting by butt of the pistol is appearing vague *qua* petitioners, coupled with the fact that informant was not examined medically, accordingly, above-named petitioners, in the event of their arrest/surrender within a period of four weeks from this order, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned CJ.M., Gaya Ji/concerned court in connection with Muffasil P.S. Case No. 678 of 2025, 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.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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

