

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32280 of 2026

Arising Out of PS. Case No.-195 Year-2024 Thana- MOTIPUR District- Muzaffarpur

Jaylal Paswan @ Jailal Paswan, S/O Late Bhuneshwar Paswan @ Late Bhuvneshwar Paswan, R/O Village - Chakchuhar, P.S- Motipur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate
For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-05-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 589/2025, arising out of Motipur P.S. Case No. 195 of 2024, registered for the alleged offences under Sections 341, 447, 323, 302/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons assaulted the father of the informant with iron rod, *lathi* and *danda* when he asked the petitioner and others to remove the earth material from his doors. Subsequently, the father of the informant lost his life in the assault and he was declared brought dead when taken to hospital. The assailants



also tried to strangle the informant.

4. The learned counsel for the petitioner submits that this is the second attempt of the petitioner to seek bail from this Court as his earlier prayer for bail was rejected by this Court *vide* order dated 14.02.2025 passed in Cr. Misc. No. 8496 of 2025. The learned counsel further submits that the petitioner is in custody since 19.08.2024 and altogether ten prosecution witnesses have been examined including the informant as well as two investigating officers. However, six witnesses still remain to be examined and there is no possibility of conclusion of trial in near future. The learned counsel further submits that there is no eye witness to the occurrence and the informant claimed himself to be an eye witness, but when his deposition was recorded he did not support the prosecution case to the extent that the petitioner and other co-accused persons were involved in assaulting his father. Rather he deposed that on hearing noise, he came out of his house and found his father lying on floor and he also fell down and received injuries while trying to pull up his father. The informant also deposed that he did not prepare the written report on which the FIR has been registered and merely put his signature over there and he could not read the written report. Other witnesses examined by the



prosecution have also not supported the prosecution case about the involvement of the petitioner. One of the witnesses on the written report namely Dinesh Paswan, has also not supported the prosecution case. Therefore, considering this fresh ground, prayer for bail of the petitioner may favourably be considered.

5. The learned APP for the State vehemently opposes the submission made on behalf of the petitioner.

6. Normally, this Court would not like to take a different view in a subsequent consideration of prayer for bail unless any new fact comes to the knowledge of the Court and more so when the trial is in progress. However, considering the deposition of the informant as well as other witnesses in the case absolving the petitioner and further considering the delay in conclusion of trial, the prayer of the petitioner for grant of bail could be considered.

7. Accordingly, the petitioner is directed to 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 learned Additional Sessions Judge-5th, Muzaffarpur/court concerned, in connection with Sessions Trial No. 195/2024, arising out of Motipur P.S. Case No. 195 of 2024, subject to the conditions mentioned in Section 480 (3) of BNSS and also the



following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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