

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35633 of 2026

Arising Out of PS. Case No.-871 Year-2025 Thana- AMARPUR District- Banka

1. Rajesh Paswan Son of Buddhi Paswan Resident of Village- Bishambharchak, P.S.- Amarpur, District- Banka
2. Neeraj Paswan @ Neeraj Kumar Paswan @ Niraj Kumar Son of Buddhi Paswan Resident of Village- Bishambharchak, P.S.- Amarpur, District- Banka
3. Shekhar Paswan @ Chandra Shekhar Paswan Son of Buddhi Paswan Resident of Village- Bishambharchak, P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-06-2026 Heard Mr. Ajay Mukherjee, learned Advocate for the petitioners and learned Additional Public Prosecutor for the State through virtual mode.

2. The petitioners are apprehending their arrest in connection with Amarpur P.S. Case No. 871 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 109(1), 74, 352, 351(2), 3(5) of the BNS.

3. On the alleged date and time of occurrence while the daughter of the informant went to bring water, in the meanwhile, petitioner nos. 1 and 2 are said to have ravished her daughter. On *hulla* being raised, when the informant and



others came there, the petitioner no. 3 along with other accused persons armed with iron rod and *lathi* and *danda* assaulted them due to which five persons have sustained injuries.

4. Learned Advocate for the petitioners taking this Court through the materials available on record submitted that in fact the parties are own *gotiyas* and on account of previous dispute on the alleged date of occurrence, they entered into a free-fight resulting into injuries to the persons of both sides. It is submitted that four persons from the petitioners side also sustained injuries which led to institution of Amarpur P.S. Case No. 871 of 2025 against the informant and others, which is earlier on the point of time. It is further contended that so far the injuries sustained to the informant and others are concerned, all the injuries have been found to be simple in nature. To support the aforesaid contention, the injury reports of the injureds have been placed on record as Annexure-2 series to the bail application. The petitioner nos. 2 and 3 bear fair antecedent whereas petitioner no. 1 is facing accusation in connection with Amarpur P.S. Case No. 46 of 2021 instituted under Sections 379/411 of the Indian Penal Code and some penal provisions of the Mines And Minerals (Development & Regulation) Act, 1957 and Bihar Mining (Concession, Prevention of Illegal Mining,



Transportation & Storage) Rules, 2019. It is further contended that the petitioners undertake that they would not indulge in such activity in future and will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that because of assault being made by the petitioners, five persons have sustained serious injuries, besides allegation of molestation against petitioner nos. 1 and 2.

6. Regard being had to the submissions made on behalf of the parties and considering the factum of case and counter case, coupled with the injuries to persons of both the sides and previous dispute between the parties, as also the fair antecedent of petitioner nos. 2 and 3 and the petitioner no. 1 is facing criminal antecedent but in connection with illegal mining of sand etc., besides the fact that the injuries which are allegedly sustained to the injureds are simple in nature, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the



learned Chief Judicial Magistrate, Banka/court concerned,
Banka in connection with Amarpur P.S. Case No. 871 of 2025,
subject to the conditions laid down in Section 482(2) of the
Bharatiya Nagrik Suraksha Sanhita, 2023, with the further
condition that one of the bailors shall be the own/close family
members of the petitioners.

(Harish Kumar, J)

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