

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40832 of 2026

Arising Out of PS. Case No.-141 Year-2026 Thana- BAKHTIYARPUR District- Patna

1. Raju Kumar (Chaukidar), S/o Shyam Babu Paswan,
 2. Shyam Babu Paswan, S/o Late Munshi Paswan,
 3. Vinod Paswan, S/o Shyam Babu Paswan,
- All are resident of Village- Badaki Mahammadpur, P.S.- Bakhtiyarpur,
Distt.- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2026 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR
and apprehending their arrest in connection with
Bakhtiyarpur P.S. Case No.141 of 2026 registered under
Sections 191(2), 191(3), 126(2), 115(2), 74, 118(1), 109,
329(4), 324(2), 303(2), 352, 351(2) Bhartiya Nyaya
Sanhita, 2023 (in short 'BNS') and Section 27 of the Arms
Act.

3. As per FIR, petitioners along with 17 named co-
accused persons assaulted the informant and his family
members by using iron rod and sword, causing head and



bodily injuries, having intention to cause their death. It is alleged that the occurrence took place in the background of previous enmities.

4. It is submitted by learned counsel appearing for petitioners that allegation of assault is available against 17 named co-accused persons including these petitioners, where petitioner no.1 alleged to assault on the hand of injured Kundan Kumar by using sword, similarly, petitioner no.2 alleged to assault Kundan Kumar again by using iron rod, whereas petitioner no.3 namely, Vinod Paswan alleged to assault Pappu Paswan by using iron rod on head. It is pointed out that the injuries as alleged to be caused by petitioner no.3, namely, Vinod Paswan, upon medical examination found simple in nature, whereas the injuries as alleged to be caused by petitioner no. 1, namely, Raju Kumar was on the non-vital part. It is pointed out that the injuries as alleged to be caused by petitioner nos. 1 and 2 are not available on record and moreover the assault as alleged to be caused by these two petitioners not alleged to be repeated, without having any intervening circumstances,



suggesting sufficiently that they were not under intention to cause their death. It is further argued that the present occurrence took place in the retaliation of Bakhtiyarpur P.S. Case No. 139 of 2026 lodged by petitioner no.3, namely, Vinod Paswan, where petitioners' side received bodily injuries and to counter the aforesaid case, the present case was lodged. It is submitted that as to constitute a *prima facie* case under Section 109 of the BNS, several factors are required to be taken into consideration like, nature of weapons, the body parts where alleged assault was made, the manner of assault, the nature of injuries, conduct of accused persons during the occurrence, etc. In support of his submission, learned counsel has relied upon legal report of Hon'ble Supreme Court as available through **State of Himachal Pradesh vs. Shamsheer Singh [2025 SCC OnLine SC 807]**. The petitioners claimed clean antecedent.

5. Learned APP while opposing the prayer of bail submitted that the allegation as to cause physical assault is specifically available against these petitioners.

6. In view of aforesaid factual submissions and by



taking note of fact as also the overall nature of injuries, where the assault as alleged *prima facie* not appears repeated, without having any intervening circumstances, where assault alleged was also made on non-vital part of the body *prima facie* negating the intention to cause death, accordingly, the all above-named three petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Barh, Patna in connection with Bakhtiyarpur P.S. Case No.141 of 2026, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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