

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40769 of 2025

Arising Out of PS. Case No.-310 Year-2024 Thana- HULASGANJ District- Jehanabad

1. Santosh Paswan son of Chandradeep Paswan Resident of village- Baigani PS- Hulasganj District - Jehanabad
2. Binod Paswan @ Bindo Paswan Son of Siyacharan Paswan @ Siyasharan Paswan Resident of village- Baigani PS - Hulasganj District - Jehanabad
3. Nandu Paswan Son of Badhu Paswan Resident of village - Baigani PS - Hulasganj District - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 05-02-2026 Vide order dated 15.01.2026, the prayer for anticipatory bail of petitioner no. 1 and 2 stood dismissed as withdrawn as having become infructuous.

2. Heard learned counsel for the petitioner no. 3, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

3. The petitioner no. 3 apprehends his arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 118(2), 109(1), 303(2), 352, 351(3) and 3(5) of the BNS.

4. The Investigating Officer of the case, in compliance of the order dated 15.01.2026, is present in the Court.

5. Learned counsel appearing on behalf of the



petitioner no. 3 submits that the Investigating Officer of the case was called with the injury report of the injured, namely, Madeshwar Prasad and Pasupati Prasad.

6. Learned counsel for the petitioner no. 3 submits that petitioner no. 3 is a senior citizen, aged about 61 years and is a person with clean antecedent and the informant alleges that on account of dispute relating to land, Subodh Paswan assaulted the informant by an iron rod causing injury on his head while Kamlesh Paswan, petitioner no. 3 and Muresh Paswan assaulted the brother of the informant, namely, Pashupati Prasad with khanti and rod causing injury on his temporal region and fracture of jaw thereafter petitioner no. 3, Ramprit Paswan and Mahendra Paswan assaulted Rambilash Paswan by lathi and the accused also snatched gold chain, ring and Rs.5,000/- from the informant.

7. Learned counsel for the petitioner no. 3 submits that petitioner no. 3 has been falsely implicated in the instant case by the informant. It is further submitted that on account of dispute relating to land, the occurrence is alleged to have taken place. It is next submitted that allegation of assault is also not specific, rather the informant alleges that Kamlesh Paswan along with petitioner no. 3 and Muresh Paswan assaulted



Pashupati Prasad. It is also submitted that from perusal of the injury report annexed with the anticipatory bail application, it would manifest that the same records the injury suffered by Pashupati Prasad to be simple in nature and two injuries are recorded i.e. swelling and pain on left cheek and swelling on left thigh. It is further submitted that Pashupati Prasad was examined by the Doctor, CHC, Hulasganj on 10.11.2024 at 09:40 a.m. i.e. just after the occurrence. It is next submitted that from perusal of the injury report annexed as Annexure-P/4, it would manifest that the same does not even record that the injured was referred to a Higher Centre but then it is submitted that the injury subsequently was manipulated and was opined to be grievous.

8. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioner no. 3.

9. Learned A.P.P. based on the injury report produced by the Investigating Officer submits that Pashupati Prasad suffered grievous injury. It is further submitted that the injury was prepared by the CHC based on the report of the PMCH on which learned counsel appearing on behalf of the petitioner no. 3 submits that when initially the injured was not referred to the



PMCH then on what basis the injured went to the PMCH for treatment when his injury was opined to be simple in nature as recorded hereinabove. It is next submitted that it appears that the injury report has been manipulated. It is also submitted that the injury report annexed as Annexure-P/4 to the anticipatory bail application is also part of the case diary. It is, thus, submitted that since the injury report annexed in the instant anticipatory bail application is also part of the case diary, hence, cannot be doubted. It is reiterated and submitted that petitioner no. 3 is a senior citizen and has remained a person with clean antecedent and all of a sudden has been made a criminal with an allegation that he along with two others assaulted Pashupati Prasad causing injury. It is also submitted that petitioner no. 3 will not abscond rather will cooperate in the investigation to prove his innocence.

10. Considering the submissions made by the learned counsel for the petitioner no. 3, let the petitioner no. 3 above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case



is pending/Successor Court in connection with Hulasganj P.S.
Case No. 310 of 2024, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

11. However, if the investigating officer of the case
files an application before the learned trial court bringing to its
notice that the petitioner no. 3 despite giving assurance to this
Court is not cooperating in the investigation, the learned trial
court shall be at liberty to cancel the bail bonds of the petitioner
no. 3

12. The personal appearance of the Investigating
Officer of the case is dispensend with.

(Satyavrat Verma, J)

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