IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74639 of 2026

CNR No. BRHC011079622026

Arising Out of PS. Case No.-109 Year-2026 Thana- Safiyasarai District- Munger

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1. Subhash Paswan Son of Late Budhan Paswan Resident Of Village - Chakman Singh, P.S.- Safisarai, District- Munger
2. Jotish Kumar @ Jyotish Paswan Son of Subhash Paswan Resident Of Village - Chakman Singh, P.S.- Safisarai, District- Munger
3. Nitish Kumar Son of Subhash Paswan Resident Of Village - Chakman Singh, P.S.- Safisarai, District- Munger
4. Roushan Kumr Son of Bablu Paswan Resident Of Village - Chakman Singh, P.S.- Safisarai, District- Munger
5. Sanju Kumari @ Sanju Devi Wife of Bablu Paswan Resident Of Village - Chakman Singh, P.S.- Safisarai, District- Munger
6. Pawan Devi @ Shakuntala Devi Wife of Son of Subhash Paswan Resident Of Village - Chakman Singh, P.S.- Safisarai, District- Munger

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Indu Bhushan, Advocate
For the Opposite Party/s : Mr.Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 04-11-2026 Heard Mr. Indu Bhushan, learned counsel appearing on behalf of the petitioners and Mr. Mohammed Arif, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Safiasarai P.S. Case No. 109 of 2026, registered for the offences punishable under Sections 126(2), 303(2), 115(2), 110, 352, 191(1) and 191(2) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the allegation made in the F.I.R., on account

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of a dispute relating to digging of a drain and installation of a hand pump, the petitioners along with other co-accused persons allegedly arrived at the informant's house armed with iron rods, a pistol and other weapons and started abusing and assaulting the informant and her family members with an intention to kill them. The petitioner no. 2 assaulted the informant on her head with an iron rod, causing injury to her. When the informant's daughter came to rescue her, she was also assaulted. The petitioner no. 3 took away a gold ornament from the neck of the informant's daughter, whereas petitioner nos. 5 and 6 allegedly assaulted her with bricks and stones and took away her gold *mangalsutra*.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have been falsely implicated in the present case on account of a dispute between the neighbouring parties. He submitted that the dispute arose when the petitioners were making arrangements for drainage of water by digging a drain and the informant's side objected to the same, resulting in a sudden altercation between the parties. He further submitted that the injuries sustained by the informant and her daughter have been found to be simple in nature. Learned counsel also submitted that, save and except

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petitioner no. 1, the other petitioners have one or two criminal antecedents, which have been disclosed in the bail application. It was, however, fairly submitted that several criminal cases are pending against petitioner no. 1, but he has not furnished the correct of the same in the bail application. On these grounds, the petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties and having perused the allegations made in the F.I.R., I find that several criminal cases are pending against petitioner no. 1 and the particulars of his criminal antecedents have not been correctly disclosed in the present bail application. Accordingly, I am not inclined to enlarge the petitioner no.1 on pre-arrest bail. So far as, petitioner no. 3 is concerned, having regard to the specific allegation attributed to him of taking away the gold ornament from the neck of the informant's daughter, I am also not inclined to grant him the privilege of pre-arrest bail.

7. So far as, petitioner nos. 2, 4, 5 and 6 are concerned, a general and omnibus allegation has been levelled against them, the injury reports indicating simple injuries and the overall facts and circumstances of the case, I am of the

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opinion that petitioner nos. 2, 4, 5 and 6 have, *prima facie*, made out a case to be released on pre-arrest bail.

8. Accordingly, the petitioner nos. 2, 4, 5 and 6, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger, or the learned Court concerned, in connection with Safiasarai P.S. Case No. 109 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS.

9. The learned District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

10. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

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