IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75899 of 2026
CNR No. BRHC011080892026
Arising Out of PS. Case No.-706 Year-2023 Thana- BELAGANJ District- Gaya

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Raushan Kumar @ Raushan Paswan @ Amarjit Kumar Son of Ramjee Paswan Resident of Dariyapur, P.S.- Belaganj, District- Gaya.

... ... Petitioner/s

Versus

The State of Bihar ... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Kameshwar Singh, Adv
For the Opposite Party/s : Ms. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 28-10-2026 Heard the parties.

2. The petitioner seeks bail in connection with Belaganj P.S. Case No. 706/2023 registered for the offence under Sections 147, 148, 149, 307, 302, 504 and 386 of the I.P.C.

3. The petitioner is named in the F.I.R. and is in custody since 30.10.2023.

4. As per FIR, on 27.10.2023 at about 7:00 PM ten named co-accused persons including petitioner came to the house of the informant due to issue related with construction of one house, where informant was engaged as a mason and started assaulting his family members, who received head and bodily injuries during the occurrence and also son of informant namely Saurabh Kumar, who received

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grevious head injury, due to which he died on 29.10.2026 during his treatment in Magadh Medical College, Gaya.

5. Learned counsel appearing on behalf of the petitioner submitted that allegation of causing fatal assault is specifically available against co-accused Ramjee Paswan, who is not the petitioner for the present. It is submitted that entire family members were implicated with the present occurrence. It is also pointed out that petitioner alleged to be equipped with firearms, but alleged only to advanced threat without making actual firing suggesting sufficiently that he was not under intention to cause death. It is also alleged that assault on wife of informant made during the occurrence by using iron rod, but same not appears repeated without having any intervening circumstances. It is also submitted that with aforesaid allegation co-accused Manu Kumar, who was also indulged in assaulting other two sons of informant namely Gaurav Kumar and Akash Kumar during the occurrence were granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 28558/2025 dated 27.06.2025 and as a matter of judicial

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parity this petitioner also deserves bail.

6. It is further argued that petitioner remains in custody for about 3 years, despite of same only one prosecution witness was examined till now, suggesting sufficiently that trial of this case is not likely to conclude in the near future. In this context it is pointed out that speedy trial is the fundamental right of the accused, which appears compromised in the present case with very slow progress of trial. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Hussainara Khatoon & Ors Vs. Home Secretary, State of Bihar, [1980 (1) SCC 98].** While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact as allegation of fatal assault prima-facie

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not available against this petitioner, coupled with fact as investigation of this case has already completed, wherein petitioner remains in custody since 30.10.2023 i.e., almost about 3 years with very slow progress of trial as only one prosecution witness has been examined till now, suggesting that trial of this case is not likely to conclude in the near future, accordingly petitioner above named, is directed to be released on bail in connection with Belaganj P.S. Case No. 706/2023 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XV, GayaJee/concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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