

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73727 of 2025

Arising Out of PS. Case No.-186 Year-2023 Thana- CHAKIA District- East Champaran

1. Kishori Paswan S/O Jiyalal Paswan R/O Village- Bhuwanchhapra, Ward No.-16, P.S- Chakiya, Distt.- East Champaran.
2. Sharwan Kumar S/O Krishna Paswan R/O Village- Bhuwanchhapra, Ward No.-16, P.S- Chakiya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate.

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 26-02-2026 Heard learned counsel appearing on behalf of the petitioners and learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Chakia P.S. Case No. 186 of 2023 registered for the offence punishable under Sections 447, 307, 341, 323, 354, 379, 504, 506 and 34 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., all the accused persons including the petitioners with an intention to kill assaulted the informant and other family members and the persons assembled at the place of occurrence.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent. The



petitioners have falsely been implicated in the case due to dispute relating to access to passage which was obstructed by the informant leading to fierce fight, in which both the sides sustained injury. There is case and counter case between the parties due to land dispute. In support of the same, information has been given in Para-6 of the bail application. Learned counsel further submitted that the petitioners being innocent deserves to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners. He has referred to the material which has surfaced in the case diary, as well as, in the injury report from which it appears that the informant sustained seven injuries on different parts of the body which shows that repeated assault was made by the petitioners, as such, the petitioners don't deserve to be released on pre-arrest bail.

6. Heard the parties.

7. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the F.I.R., petitioner has given specific information in Para-6 of the bail application that in respect of the said incidence, he has also filed counter case being Chakia P.S. Case No. 195 of 2023,



subsequent to filing of the present F.I.R., the dispute relates to passage, specific allegation against the petitioner no.1 is that he has assaulted the informant and other persons assembled there repeatedly causing several injuries on different parts of the body of the informant, I am not inclined to enlarge the petitioner no.1 on pre-arrest bail.

8. So far as petitioner no.2 is concerned, he is a student and has just emerged as an adult and the injuries attributable to the petitioner no.2, which have been found on the person of the victim are simple in nature, the petitioner no.2 is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Chakia P.S. Case No. 186 of 2023, subject to the condition as laid down under Section 438(2) Cr.P.C / 482(2) BNSS.

9. The District Court is directed to verify the criminal antecedent of the petitioner no.2 and if it is found that the petitioner no.2 is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically



lose its force.

10. The bail application stands disposed of.

(Purnendu Singh, J)

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