

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83021 of 2025

Arising Out of PS. Case No.-202 Year-2025 Thana- HAJIPUR SADAR District- Vaishali

1. Birendra Paswan S/o- Late Baldeo Paswan Resident of Village- Chakhamida Barai Police Station- Hajipur, Dist- Vaishali
2. Birju Paswan S/o- Mahendra Paswan R/v- Kamalpur Garahi Ps- Jandaha Dist- Vaishali
3. Birchandra Paswan S/o- Mahendra Paswan R/v- Kamalpur Garahi Ps- Jandaha Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sweety Sinha, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 21-01-2026 Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioners are in custody in a case registered for
the offence punishable under Sections 103, 238 of the BNS.

3. As per allegation in the FIR, petitioners are accused
of killing a girl aged about 16 years and body of the deceased
was found floating in the water near the pond.

4. Learned counsel for the petitioners submits that
petitioners are innocent and have falsely been implicated in this
case. He next submits that petitioners are not named in the FIR
and no incriminating article has been recovered from the



conscious possession of these petitioners nor they were arrested on the spot. He next submits that during the course of investigation, police arrested the Petitioner No.3, namely, Birchandra Pd. only on the basis of suspicion and he disclosed the involvement of other co-accused persons in this case. He next submits that from perusal of the post-mortem report of deceased as mentioned in para-47 of the case diary, the cause of death is due to head injury and asphyxia. He further submits that during the course of investigation, no material has come against the petitioners save and except the confessional statement of co-accused. He next submits that Petitioner No.1 has confessed his guilt under the pressure of police. He further submits that during the whole investigation no witnesses have have seen the accused persons with the victim (deceased) before and after the occurrence. He submits that Petitioner No.1, namely, Birendra Paswan and Petitioner No.2, namely, Birju Paswan are in custody since 13.03.2025 and Petitioner No.3, namely, Birchandra Paswan is in custody since 18.05.2025 and all the petitioners have got no criminal antecedent as stated in para-3 of the bail petition.

5. Learned APP for the State oppose the prayer for bail of the petitioners.



6. On perusal of the FIR, case diary, impugned order dated 26.09.2025 along with post-mortem report of the deceased, it appears that save and except confessional statement of the co-accused person, no materials are available on records which shows the involvement of the petitioners in this case and also the fact that petitioners have got clean antecedents. So, considering the aforesaid facts and circumstances of the case and submission of learned counsel for the petitioners, let the above-named petitioner be released on bail, on their furnishing bail bonds of Rs.10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Hajipur, Vaishali in connection with Hajipur Sadar P.S. Case No202 of 2025.

(Ramesh Chand Malviya, J)

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