

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86899 of 2025

Arising Out of PS. Case No.-412 Year-2018 Thana- RAJAON District- Banka

1. Niranjan Paswan
2. Jaddu Paswan S/o Late Bholi Paswan R/o Village - Tekani, P.S - Rajoun,
District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandan Prasad, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-01-2026 After some arguments, learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner No.1, namely, Niranjan Paswan with liberty to the petitioner to surrender before the learned court below within a period of four weeks from today and seek regular bail.

2. Permission is accorded.

3. The application is dismissed as withdrawn with respect to petitioner No.1, namely, Niranjan Paswan with the liberty that the petitioner surrenders and seeks regular bail before the learned court below, the same shall be considered on the same day on its own merit in accordance with law and without being prejudiced by any observation in the present order.



4. Heard Mr.Brij Nandan Prasad, learned counsel for the petitioner No.2, namely, Jaddu Paswan and Mr.Ram Bilash Roy Raman, learned Additional Public Prosecutor for the State.

5. Petitioner No. 2, namely, Jaddu Paswan is apprehending his arrest in connection with Rajoun P.S. Case No.412 of 2018, dated 28.09.2018 registered for the offences punishable under Sections 341,323,448,354,307/34 of IPC.

6. As per the allegations, on 27.09.2018 at about 10:00 PM, the informant was sleeping in her house when the accused persons Niranjana Paswan, Vijay Paswan and Jaddu Paswan, all residents of Village Tekani, P.S. Rajoun, allegedly entered her house with the intention of outraging her modesty and started molesting her. When she raised alarm, her husband, Umesh Paswan, arrived to save her but was allegedly struck on the head with a rod by the accused, causing bleeding injuries. On hearing the cries, villagers reached the spot, and the accused persons fled after threatening her with dire consequences, warning her not to go to the police station.

7. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. Although the petitioner is named in the FIR but there is no specific allegation



of any assault or overt-act attributed against the petitioner in the FIR. Specific allegation of assault is attributed against co-accused person, namely, Niranjana Paswan.

8. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

9. Considering the aforesaid facts, petitioner has clean antecedent and there is no specific allegation of any assault or overt-act attributed against the petitioner in the FIR, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail 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, Banka in connection with Rajoun P.S. Case No.412 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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