

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 87506 of 2025

Arising Out of PS. Case No.-586 Year-2025 Thana- CHHATAUNI District- East Champaran

1. Banti Kumar @ Vicky Anand S/O Nawal Paswan R/O Village- Bariyarpur, ward no.-44 @ Bara Bariyarpur, P.S.- Chhatauni @ Chatauni, Dist.- East Champaran (Motihari).
2. Vishal Kumar S/O Nawal Paswan R/O Village- Bariyarpur, ward no.-44 @ Bara Bariyarpur, P.S.- Chhatauni @ Chatauni, Dist.- East Champaran (Motihari).
3. Nawal Paswan S/O Late Girja Paswan R/O Village- Bariyarpur, ward no.-44 @ Bara Bariyarpur, P.S.- Chhatauni @ Chatauni, Dist.- East Champaran (Motihari).
4. Chanchal Kumar S/O Pappu Ram R/O Village- Bariyarpur, ward no.-44 @ Bara Bariyarpur, P.S.- Chhatauni @ Chatauni, Dist.- East Champaran (Motihari).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Santosh Kumar, Advocate
For the Opposite Party/s :	Mr. Bishweshwar Ram, APP
	Mr. Madhurendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 11-02-2026 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners seek regular bail in Chhatauni P.S.
Case No. 586 of 2025 dated 08-10-2025 registered under
Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in brief, is that on 07.10.2025
at about 9:00 p.m., the informant's son, Anshu Kumar, while
returning home after closing his shop at Gadi Chowk, was



intercepted by the petitioners along with co-accused Dharmendra Paswan, Sonu Paswan and 4-5 unknown miscreants, who demanded money for the consumption of liquor. On his refusal, he was assaulted by them. On hearing his noise, the informant, his elder son Rohit Kumar @ Golu and his daughter rushed to the spot and saw that his son was being assaulted. When Rohit Kumar intervened, the accused persons also assaulted him on the instigation of Naval Paswan (petitioner no.3). The injured was immediately taken to a private hospital where the doctor declared him dead.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. It is further submitted that no specific or overt act has been attributed to the petitioners and that the allegations of assault are general and omnibus in nature. Although the prosecution alleges collective assault by all the accused persons, but the postmortem report does not corroborate such allegations. On the contrary, the postmortem report reveals that on external examination no external injury was found on any part of the body of the deceased, which is inconsistent with the allegation of a brutal assault as stated in the FIR. It is further submitted that after completion of investigation, the police have



submitted the charge-sheet under Section 105 of the *Bharatiya Nyaya Sanhita* along with other allied Sections of the B.N.S.. The petitioners have been in judicial custody since 09.10.2025 and have one criminal case pending against each of them, in which they are already on bail.

5. Learned counsel for the informant and learned Additional Public Prosecutor for the State have opposed the prayer for bail and submitted that the petitioners along with the co-accused persons committed the murder of the deceased.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. East Champaran Motihari/ concerned Court, in connection with Chhatauni P.S. Case No. 586 of 2025, subject to the following conditions (i) that the petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his



wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse and (iv) that if the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

shyambihari/-

U		T	
---	--	---	--

