

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90003 of 2025

Arising Out of PS. Case No.-470 Year-2025 Thana- CHHATAUNI District- East Champaran

Vikesh Kumar @ Vikesh Paswan S/O Upendra Paswan @ Upendra Ram
Resident Of Village- Bara Bariyarpur, P.S.- Chhatauni, Dist.- 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. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-01-2026 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Chhatauni P.S. Case No. 470 of 2025 registered for the
offences punishable under Sections 329(3), 126(2), 115(2),
103(1) and 3(5) of the BNS.

3. As per the prosecution case, the petitioner
along with others, variously armed, came to the door of the
informant and assaulted informant and her son. Thereafter,
they took away her son and after killing him, threw his dead
body at the door of her brother-in-law.



4. Learned counsel for the petitioner submits that the petitioner is completely innocent and has been falsely implicated in the present case. It is further contended that there is no specific allegation against the petitioner with regard to assault the victim, who is the son of the informant. Although the informant has annexed the post-mortem report and the same clearly reveals that the cause of death of the victim was asphyxia, which does not corroborate the allegations made in the F.I.R. It is, therefore, submitted that the petitioner has been falsely implicated in the present case, whereas the death of the victim appears to be a case of suicide, with which the petitioner has no connection. Merely on account of an existing land dispute between the parties, the petitioner has been falsely shown as an assailant and charges have been framed solely to suit the prosecution story. Apart from that petitioner having no criminal antecedent. Petitioner is in custody since 31.07.2025. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner, submitting that the petitioner is one of the assailants who concertedly assaulted the



informant's son, who later died.

6. Considering the facts and circumstances of the case, period of custody, allegation of F.I.R. has not been supported by post-mortem report, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Chhatauni P.S. Case No. 470 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every date and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

Nilmani/-

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

