

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.92046 of 2025

Arising Out of PS. Case No.-91 Year-2025 Thana- GAMAHARIYA District- Madhepura

Rajkumar Paswan, Male, aged about 35 years, son of Mahendra Paswan, R/o
of Village-Jogbani, P.S.-Gamharai, District-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioner and
learned A.P.P for the State.

2. The petitioner seeks bail in connection with Gamharia P.S. Case No. 91 of 2025 dated 07.05.2025 registered for the offence punishable under Sections 109, 308(2), 352, 351(1), 351(3) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on the alleged date of occurrence, two men arrived on a black Apache motorcycle without number plate. The rider was wearing a helmet and the pillion rider was wearing a cap and mask. The pillion rider got off the motorcycle and spoke to someone on the phone for a while, after which, he



loudly asked, "Who is Ramkumar Bhagat?" Hearing this, the informant found the situation suspicious and started going inside the shop, then the said person took out his weapon and fired two shots towards the shop, both the bullets hit a mobil box and a paint box, after which the customers present there also started running here and there. Immediately after that both the unknown persons sat on the motorcycle and said in a loud voice that when I call you, you are not picking up the phone. Saying this, they left. Whereas about a month ago, a person had called on the informant's mobile and said in a loud voice that I am Ramkumar Paswan, give me Rs. 5 lakh within 24 hours, otherwise the consequences will be bad. After saying this, he hung up the phone.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner has been made accused only on the basis of suspicion. There is no direct allegation against the petitioner. It is further submitted that the petitioner's bail was rejected only on the basis of his past criminal antecedents. Lastly, it has been submitted that



the petitioner is in custody since 04.06.2025, having eight criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Madhepura in connection with Gamhariya P.S. Case No. 91 of 2025, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his 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.

4. 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.

5. The petitioner within two weeks of his release from custody shall appear before the S.H.O. of his local area alongwith a copy of this order and shall appear every fortnightly to mark his attendance till conclusion of the trial.

(Khatim Reza, J)

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