

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.92071 of 2025

Arising Out of PS. Case No.-96 Year-2025 Thana- ATHMALGOLA District- Patna

1. Balram Paswan S/O Devendra Paswan Resident of Village-Chanda,P.S-Athmalgola,Distt-Patna
2. Devendra Paswan S/O - Late Babu lal Paswan Resident of Village-Chanda,P.S-Athmalgola,Distt-Patna
3. Pappu Paswan S/O- Devendra Paswan Resident of Village-Chanda,P.S-Athmalgola,Distt-Patna
4. Shankar Paswan S/O- Devendra Paswan Resident of Village-Chanda,P.S-Athmalgola,Distt-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-02-2026 Heard Mr. Manoj Kumar Pandey, learned counsel appearing on behalf of the petitioners and Mr. Ram Sumiran Rai, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Athmalgola P.S. Case No. 96 of 2025 registered for the offence punishable under Sections 126(2), 115(2), 109(1), 74, 303(2), 352, 351(2), 3(5) of the BNS and Section 27 of the Arms Act.

3. As per the allegation made in the FIR, petitioners along with other accused persons, in drunk state, had entered



into the house of the informant and they had tried to outrage the modesty of the informant, and when the family members of the informant came to save her, they had assaulted them also with an intention to kill.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. There is case and counter case between the parties. Both the parties are agnates. General and omnibus allegation has been levelled against the petitioners no. 1 to 3. Specific allegation against the petitioner no. 4 is that he had assaulted the son of the informant by means of iron rod causing head injury, however, the same has been opined by the doctor to be simple in nature. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that there is case and counter case between the parties. Both the parties are agnates. General and omnibus allegation has been levelled against the petitioners no. 1 to 3. I am of the opinion that petitioners no. 1 to 3 have, *prima facie*, made out a case to be released on pre-arrest bail.



7. The petitioners no. 1 to 3, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Athmalgola P.S. Case No. 96 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS.

8. So far as petitioner no. 4 is concerned, considering the specific allegation against him that he had assaulted the son of the informant by means of iron rod causing head injury, I am not inclined to enlarge him on pre-arrest bail.

9. The learned District Court is directed to verify the criminal antecedent of the petitioners no. 1 to 3 as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners no. 1 to 3 as what has been stated in paragraph no. 3, this order will lose its force automatically.

10. It is, however, open to the respective parties to settle their dispute outside the Court amicably in light of the law laid down by the Apex Court in the case of *Naushey Ali & Ors. Vs. State of Uttar Pradesh & Anr.* reported in (2025) 4 SCC 78.



11. If the parties desire to resolve the dispute outside the Court amicably by way of mediation, learned District Court is directed to take necessary steps to issue notices to the respective parties and upon their appearance, refer the matter before the learned Mediator of the District Mediation Center by fixing a date for appearance of the parties to give effect to Mediation 2.0.

12. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

Niraj/-

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

