

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2698 of 2026

Arising Out of PS. Case No.-274 Year-2020 Thana- NAUTAN District- West Champaran

Kundan Paswan @ Kundan Kumar Son of Bashistha Paswan @ Bashistha Hazaran @ Sinhasan Paswan, Resident of Village- Mangalpur Gudariya, P.S.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seek bail in anticipation of his arrest in connection with Nautan P.S. Case No. 274 of 2020 dated 05.08.2020 instituted for the offences punishable under Sections 341, 323, 324, 308, 379, 504, 506 and 34 of the Indian Penal Code.

3. The prosecution case is to the effect that the neighbour of the informant namely Vishal Paswan was standing behind his house and on seeing him his daughter shouted and when the informant reached there the accused Vishal Paswan fled away. It is further alleged that the other co-accused persons including the petitioner came to his doors and started assaulting him and it is specifically stated that Bashisth Paswan assaulted



him with Pharsa on his head, rest of the accused persons were assaulting with lathi. It is further alleged that when the mother and the wife of the informant came to his rescue the accused/petitioners assaulted them also and Vishal Paswan is said to have snatched away the Mangal Sutra.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated on account of personal rivalry. It has been submitted that no offence under the alleged Sections is made out against the petitioners and, in fact, the allegation of overt act is against Bashisth Paswan. It has next been submitted that the injuries sustained by the injured persons were also found to be simple in nature. It has further been submitted that the petitioner has falsely been implicated and there is delay of two days in lodging of the FIR.

5. Learned APP appearing on behalf of the State submits that the present application arises out from a case, which was registered on 05.08.2020. It has further been submitted that the impugned order is dated 06.11.2023 and after more than two years the present application has been preferred by the petitioner. It has been submitted that the petitioner had absconded despite being a named accused and filing of the present application after two years of the rejection by the learned District and Sessions Judge, West Champaran, Bettiah would suffice that the petitioner



has no regards for the court of law and, therefore, his application should be dismissed on this very ground.

6. After hearing the learned counsel for the respective parties and taking into account the aforesaid submissions, I find that the case is of the year 2020 and the petitioner absconded thereafter and finally moved for anticipatory bail before the learned District and Sessions Judge, West Champaran, Bettiah in the year 2023 and, thereafter upon rejection of his bail application he again absconded for the next two years and has filed the present application after more than two years.

7. In view of the aforesaid, I am not inclined to grant anticipatory bail to the petitioner, accordingly the same is dismissed.

8. The petitioner shall be at liberty to surrender before the learned trial court and seek regular bail. It goes without saying that the learned trial court shall pass necessary orders on the same day without being prejudiced by the dismissal of the anticipatory bail application of the petitioner.

(Sourendra Pandey, J)

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