IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38992 of 2026

Arising Out of PS. Case No.-122 Year-2026 Thana- DHAKA District- East Champaran

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Rajaram Paswan S/o Jagdish Paswan Resident of village- Gahai, P.S.- Dhaka, District- East Champaran

... ... Petitioner/s

Versus

The state of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 20-08-2026 Heard learned Advocate for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Dhaka P.S. Case No. 122 of 2026, registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109(1), 303(2) & 3(5) of the BNS.

3. The allegation against the petitioner is of causing assault over the head of the informant by means of sharp cutting weapon *Dabiya*, due to which, he sustained serious injury. Besides, there is further allegation against other co-accused persons of causing assault and snatching of valuables.

4. Learned Advocate for the petitioner adverting to the allegation levelled in the FIR submitted that prior animosity is the reason, on account of a dispute with regard to lending of

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money, leading to lodging of the present case. However, it is the informant's side, who have caught hold the petitioner and brutally assaulted him, which led to institution of Dhaka P.S. Case. No. 123 of 2026 against the informant and others on the same date. It is further argued that the injuries sustained to the informant and allegedly attributed to the petitioner is reported to be simple in nature. Moreover, the entire prosecution case falls to the ground, on a bare perusal of the injury report, which suggest that the injury has been caused by hard and blunt object and thus it does not corroborate the allegation of causing injury by sharp cutting weapon. During the course of investigation, the independent witnesses have also stated that the informant was assaulted by means of bamboo stick; for the sake of repetition, it is urged that the injuries is reported to be simple. The petitioner though bears one criminal antecedent, however, he is at present on bail in the said case.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that the petitioner is facing specific allegation of causing assault over the vital part of the informant.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note

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of the factum of case and counter case, coupled with the simple nature of injury and the genesis of occurrence, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Sikrahna at Dhaka, East Champaran in connection with Dhaka P.S. Case No. 122 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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