

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, BEGUSARAI

B.A. No. 210/2026

Ref:- Arising out of Mufassil P.S. Case No. 379/2025

Dt: 23.12.2025

U/S-191(1), 126(2), 115(2), 117(2), 109(1), 308(2), 351(2), 303(2) of B.N.S. & 27 of Arms Act.

In the matter of :-

Gautam Kumar, S/o Mukesh Paswan,

R/o vill. Rajaura Akhtiyarpur, P.S. Mufassil, Distt. Begusarai

.....Petitioner

Vrs.

State of Bihar

.....Opposite Party

Present:- Rishi Kant

Principal Sessions Judge, Begusarai

Ld. Counsel for the petitioner :- Sri Sudhir Kumar, Adv.

Ld. Counsel for the O.P. :- Ld. P.P. I/C

Date of order:-09.03.2026

ORDER

The present bail application has been filed by the above-named accused/ petitioner who has been in judicial custody since 25.01.2026 in connection with the aforesaid case for the offences punishable under Sections 191(1), 126(2), 115(2), 117(2), 109(1), 308(2), 351(2), 303(2) of B.N.S. & 27 of Arms Act.

Heard learned counsel Sri Sudhir Kumar, appearing on behalf of the petitioner, and learned P.P. (I/C) appearing for the State.

The prosecution case, in brief, is that on 22.12.2025 informant was talking with his customers at his shop. In front of his shop, two boys were quarrelling with Pappu Pakaura, Chowmin shopkeeper. Informant and his staff went there to settle the matter. In the meantime, both boys called their friends and their family members namely, Vikash Paswan, Umesh Paswan, Himanshu Kumar, Ram Uday Paswan, Gautam Kumar, Pawan Kumar, Rahul Kumar, Jira Devi, Gaurav Kumar @ Chhotu, Aman Kumar, Gopal Paswan came armed with lathi, and deadly weapon and attacked upon him. Vikash Paswan and Pawan Kumar demanded rangdari of Rs. Three lakhs. On raising objection, Gaurav Kumar @ Chhotu, Vikash Paswan, and Pawan Kumar assaulted him by fat and legs. When his son Gaurav Kumar came to save him, then he was assaulted by Himanshu Kumar and Sachin Kumar by fighter. When his wife Anjani Devi came to save them, then she was assaulted by Vikash Kumar by iron rod upon her head due to which she sustained head injury. In the meantime, Jira Devi and Gautam Paswan snatched gold chain from the informant's neck. Aman Kumar ordered to rob them. On this Rahul Kumar, Pawan Kumar and Lutan Paswan looted the cloths kept in his shop and they threatened them to face dire consequences.

Learned counsel for the petitioner submitted that earlier no BA or ABA has been filed on behalf of the petitioner either in this court or Hon'ble High Court, Patna. It was further submitted that the petitioner is quite innocent, has been falsely implicated in the present case, and has committed no offence. The petitioner has got no criminal antecedent. There is no specific allegation of assault against this petitioner

rather it is general and omnibus in nature.. There is case and counter case in between the parties. Injuries are simple in nature. All the offences areailable except 109(1), 303(2) of B.N.S. which are super addition to make the case non-bailable. Lastly, he submitted that the petitioner has been in custody since 25.01.2026, having no criminal antecedent, and is willing to abide all the conditions imposed by this court. Hence, he deserves the privilege of bail.

Per contra, learned P.P. (I/C) appearing for the State opposed the prayer for bail.

Heard learned counsel for the parties, and perused the case record. From the FIR, it appears that the allegation against the petitioner is that he, along with other co-accused, assaulted the informant and his family members. However, there is no specific allegation of assault attributed to the petitioner. There is case and counter case in between the parties. Further, from perusal of injury report of injured attached with case diary, it appears that injured sustained simple injury. Moreover, the petitioner has been in judicial custody since 25.01.2026, having no criminal antecedent, as stated in paragraph 3 of the bail application as well as paragraph 62 of case diary.

Considering the aforesaid facts and circumstances and the custody period of petitioner, I find it appropriate to grant bail to the petitioner. Accordingly, the prayer for bail is allowed. Let the accused/petitioner be released on bail on furnishing of bail bond of Rs 10,000/- (ten thousand) with two sureties of like amount each with the satisfaction of learned court below subject to, further conditions:-

1. That one of the bailors must be close relative of the accused/petitioner.
2. That the accused/petitioner undertakes that he shall not indulge in any similar nature of offence till conclusion of the trial and on failing so, court concerned shall be liberty to cancel the bail bond in present case if reported by the prosecution.

Office is directed to send a copy of this order through e-mail to the undertrial prisoner/petitioner through the Jail Superintendent, Begusarai.

(Dictated)

Sd/-

(Rishi Kant)

Principal Sessions Judge, Begusarai

Date of Judgment/Order	09.03.2026
Date of Reserving Judgment/Order	N.A.
Uploading Date	10.03.2026
Uploaded by	Rahul Verma