

Present: Jyoti Kumar Kashyap, DASJ-XI, Bhagalpur

BP No. 397/2026

Kajraili P.S. Case No. 02/2026

State Vs. Shiva Paswan @ Shivanarayan Paswan

Dated:-07-05-2026

In the Court of District & Additional Sessions Judge-XI, Bhagalpur

(Bail Petition No.- 397/2026)

(In connection with Kajraili P.S. Case No. 02/2026)

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In the matter of :

Shiva Paswan @ Shivanarayan Paswan, aged about 56 years, S/o Akal Paswan @ Aklu Paswan, Resident of Gourachowki, P.S.- Kajraili, District- Bhagalpur ---- Petitioner.

Versus

The State of Bihar

---- Respondent.

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CrI. Antecedent : 16 (as para -3 of bail application of Petitioner).

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Appearance:-

Counsel for the Petitioner :- Mr. Ajay Kumar Sinha, Ld. Advocate.

Counsel for the Respondent :- Mr. Hemkant Jha, Ld. A. P. P.

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07-05-2026

1. This is an application for grant of regular bail U/s 483 BNSS 2023 (corresponding to section 439 Cr.P.C), filed on behalf of above-named accused-petitioner, who is in custody since 05-04-2026, in connection with Kajraili P.S. Case No. 02/2026, punishable for the offences U/s 126(2), 115(2), 109, 303(2), 352, 351(2)/3(5) of BNS.

2. Heard learned counsel appearing on behalf of the petitioner and learned Addl. P.P for the State.

3. Learned counsel for the accused-petitioner has filed necessary certificate in para-02 of the bail petition stating therein that earlier petitioner has filed ABP No. 261/2026 which was rejected by this court. Thereafter, the petitioner has not filed any bail petition either before the learned Court of Sessions or before the Hon'ble High Court, Patna. Petitioner has got sixteen criminal antecedents i.e. Kajraili P.S. Case No. 03/2010, Mojahidpur P.S. Case No. 11/1992, Nathnagar P.S. Case No. 60/1993, Nathnagar P.S. Case No. 15/1994, Jagdishpur P.S. Case No. 16/1994, Nathnagar P.S. Case No. 54/1996, Nathnagar P.S. Case No. 211/1997, Nathnagar P.S. Case No. 70/1998, Nathnagar P.S. Case No. 60/1997, Nathnagar P.S. Case No. 69/2003, Nathnagar P.S. Case No. 222/2004, Nathnagar P.S. Case No. 223/2004, Industrial P.S. Case No. 57/2026, Nathnagar P.S. Case No. 17/1991, Nathnagar P.S. Case No. 63/2003 and Kajraili P.S. Case No. 09/2013 as mentioned in para-03 of bail petition.

4. Ld. counsel for the petitioner submitted that the petitioner is innocent and has not committed any offence. He has falsely been implicated in this case. Entire allegation against the petitioner is false and concocted. The alleged sections are not at all applicable against the petitioner. The present case is the counter blast of Kajraili P.S. Case No. 01/2026 lodged by co-accused Veena Devi against the informant & others and only

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with a view to save the skin from that case the present case has been lodged falsely. The injury sustained by the injured informant is simple in nature. Earlier co-accused Balram Paswan @ Balram Kumar has been granted bail by this court vide order dated 30-01-2026 passed in B.P. No. 88/2026 whereas co-accused persons have been granted anticipatory bail by the order of Hon'ble High Court, Patna and the case of petitioners more or less stands on similar footing. The petitioner is in custody since 05-04-2026. On such grounds, petitioner may be enlarged on bail.

5. On the other hand, the Ld. A.P.P vehemently opposes the contention of the petitioner and submitted that the alleged sections are made out against the petitioner. The petitioner is named in the FIR with specific allegation. During investigation, the witnesses have supported the prosecution case. The petitioner bears criminal history as sixteen criminal cases are pending against him and hence he does not deserve the privilege of bail and his prayer for bail may be refused.

6. The prosecution case as stated in the First Information Report is that on 02-01-2026 at about 03:30 PM, the informant Tatveer Kumar was going to his old house at Basti and in course thereof when he reached near Gaurachouki Harijan Tola then accused Shivrinarayan Paswan called him at his shop and told that you and your family have become very arrogant and now again he would file a case of SC/ST against them on which he asked what happened then accused Balram Paswan and Suraj Paswan started assaulting him as a result he sustained injury and fell down and in course thereof with intention to kill accused Balram Paswan, Suraj Paswan and their staff assaulted him with rod and lathi-danda causing head injury and got swelling near left eye and he became unconscious. Thereafter, assuming that he had died, the accused persons went inside the shop. Thereafter, with the help of villagers, his father was informed on which when his family members came then the accused persons with intention to kill assaulted them with rod & lathi-danda as a result his younger brother Tanveer Kumar became injured and unconscious. Thereafter, the informant and his brother brought to referral hostil Nathnagar for treatmt wherefrom they were referred to JLNMCCH, Bhagalpur. In course of assault, the accused persons took out Rs. 10,000/- and Rs. 15,000/- from the pocket of informant's father and uncle, respectively.

7. Having heard both the parties and perused the case record, which transpires that FIR has been registered U/s 126(2), 115(2), 109, 303(2), 352, 351(2)/3(5) of BNS against the FIR named accused persons including petitioner. The allegation against the petitioner is that he along with other co-accused persons assaulted the informant & his family members by lathi-danda and rod causing injuries. The restatement of informant is mentioned at para 02 of the case diary in which he reiterated his earlier version. The

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statements of witnesses are mentioned at para 06 & 07 of the case diary in which the witnesses have fully supported the prosecution case. The injury reports of injured persons have been mentioned at para 17 of the case diary and on perusal thereof it transpires that injured Tamveer Kumar sustained abrasion on right side of neck, Pain & swelling left arm and Abrasion on left index finger and the nature of injuries kept reserve whereas injured Tatveer Kumar sustained abrasion on right side of eyebrow and pain & swelling in left cheek. The injury reports of injured also support & corroborate the prosecution version. The petitioner has got criminal history as sixteen criminal cases i.e. **Kajraili P.S. Case No. 03/2010, Mojahidpur P.S. Case No. 11/1992, Nathnagar P.S. Case No. 60/1993, Nathnagar P.S. Case No. 15/1994, Jagdishpur P.S. Case No. 16/1994, Nathnagar P.S. Case No. 54/1996, Nathnagar P.S. Case No. 211/1997, Nathnagar P.S. Case No. 70/1998, Nathnagar P.S. Case No. 60/1997, Nathnagar P.S. Case No. 69/2003, Nathnagar P.S. Case No. 222/2004, Nathnagar P.S. Case No. 223/2004, Industrial P.S. Case No. 57/2026, Nathnagar P.S. Case No. 17/1991, Nathnagar P.S. Case No. 63/2003 and Kajraili P.S. Case No. 09/2013** are pending against the petitioner (as mentioned in para 3 of bail petition). The criminal antecedent of the petitioner shows that he is habitual offender and there is likelihood to commit the offence repeatedly and threatening to the prosecution evidence. The offence is serious in nature. Moreover, the investigation of the case is still under progress and release of the petitioner at this stage may adversely affect the fair investigation.

8. Having considered the aforesaid facts and circumstances, nature & gravity of the offence, several criminal history of petitioner and the role played by the petitioner, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, his prayer for bail stands rejected for the present and the bail petition is disposed of. However, the petitioner is given liberty that he may renew his prayer for bail after framing of charge.

(Dictated and corrected by me)

Sd/-

District & Additional Sessions Judge-XI

Bhagalpur.

Dated 07-05-2026

Date of Judgment/Order	07-05-2026
Date of Reserving Judgment/Order	N.A.
Uploading Date	08-05-2026
Uploaded by	Kavita Jha (Steno)