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Court of Sessions Judge, Darbhanga.
Present :- Shri Shiv Gopal Mishra, Sessions Judge, Darbhanga.
B.P. No. 231/2026 (Jharokhi Paswan & others Vs. State of Bihar)
In the Court of Sessions Judge, Darbhanga, Bihar.
B.P. No. 231 of 2026

In the matter of:-

1. Jharokhi Paswan son of Late Chhitan Paswan
2. Anil Paswan son of Jharokhi Paswan -----Petitioners.

Vrs.

The State of Bihar-----Opposite Party.

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For the Petitioners : Shri C.K. Singh, Ld. Advocate.
For the O.P.(State) : Shri Amrendar Nr. Jha, Ld. P. P.
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ORDER.

04. 24.03.2026. Heard learned counsel for the petitioners as well as learned P.P. for the State on the bail petition filed on behalf of above named accused/petitioners, who are in custody since 24.02.2026 in connection with Simri P.S. Case No. 18/2026 for offence U/Ss 126(2), 115(2) , 109, 351(2), 352 and 3(5) of the BNS.

As per FIR, prosecution case in short is that approximately 6 months ago, informant had soil dumped in the field next to the informant house using a tractor. It is further alleged that few days later, informant's neighbor namely Jharokhi Paswan secretly started cutting soil from the informant's field and putting it in his field. It is further alleged that when the informant got this information, then he stopped him from cutting the soil, to which he said that petitioners field's soil had gone into informant's field. It is further alleged that after few days accused petitioner namely Jharokhi Paswan was again secretly cutting soil from the informant's field and putting it in his field during informant's absence. It is further alleged that when the family members of the informant stopped him from cutting the soil then in the meantime, accused persons namely Anil Paswan, Sudama Devi and Rinki

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Kumari started abusing and assaulting the informant's family members. It is further alleged on 08.02.2026 at about 08 PM, accused Jharokhi Paswan was using abusive language against informant's family and then the informant's son namely Sushil Paswan could not bear it and protested for the same but the son of the petitioner's son namely Anil Paswan took out an iron farsa from his house and chased the informant's son with the intention of killing him. It is further alleged that accused Anil Paswan gave blow of iron rod over the head of the informant's son, due to which he sustained head injury and blood was oozing out. It is further alleged that when the informant had gone for saving his son then accused persons also assaulted the informant and also gave threat of killing him.

Learned counsel for the petitioners submitted that the petitioners are innocent and they have committed no offence. It is further submitted that the petitioners have been falsely implicated in this case due to grudge, enmity as well as land dispute in between the parties. He further submitted that the son of the informant namely Sushil Paswan who is a habitual drug addict, habitual drinkers and trespasser into the house of the petitioners and started abusing and tried to assault the old aged petitioner no. 1 and when petitioner no. 1 raised alarm neighbours gathered there, and informant's son escaped from there through a thin gate and during the same informant's son fell down and got some injury. He further submitted that all the offences are bailable except the offence u/s 109 of the BNS which is not attracted against the accused petitioners as the injured has sustained only simple and superficial

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injury over his person. It is further submitted that accused petitioner no.1 is an old man, aged about 69 years. He further submitted that accused petitioners have no criminal antecedent. The petitioners are in custody since 24.02.2026. It is therefore, prayed to enlarge the petitioners on bail.

The learned Public Prosecutor opposed the prayer for bail.

Heard the parties and perused the record. From perusal of the FIR as well case diary it is alleged against accused petitioners that they along with other abused and assaulted to the informant and his son with an iron rod. Both parties are neighbours. The doctor has opined that injured Sushil Paswan has sustained simple injury over his person. The accused petitioner no.1 is an old man, aged about 69 years. It is stated by the accused petitioners that they have no criminal antecedent. The petitioners are in custody since 24.02.2026.

Considering the aforesaid facts and circumstances of the case as well as period of custody already undergone, this Court is inclined to enlarge the petitioners on bail and hence, the bail petition filed on behalf of the petitioners is hereby **allowed**. The petitioners are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- with two sureties of like amount each to the satisfaction of learned court below.

(Dictated)

(Shiv Gopal Mishra)

Sessions Judge

Darbhanga.

24.03.2026.