

Page No. 1 of 3
Santosh Kumar Pandey, D&ASJ – II, Darbhanga
ABP No. 714/2026
(Arising out of Bishanpur P. S. Case No. 127/2024)
Manoj Kumar Paswan and others versus the State of Bihar.
Date of Order – 20.05.2026

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II, DARBHANGA

Anticipatory Bail Petition No. 714/2026

- 1. Manoj Kuma Paswan** s/o Doman Paswan,
- 2. Dilip Paswan** s/o Doman Paswan,
- 3. Sunaina Devi** w/o Dilip Paswan,
- 4. Puja Kumari** d/o Manoj Kumar Paswan,
- 5. Anita Devi** w/o Manoj Paswan, all are resident of Village - Dihlahi, P.S. - Bishanpur, District - Darbhanga.
- 6. Seema Devi @ Rinku Devi** w/o Mohan Paswan, r/o Village - Hussainawad, P.S. - Moro, District - Darbhanga.

----- Petitioners

versus

State of Bihar

----- Opposite Party

Appearance(s):

- Counsel for the Petitioner(s) : Sri J. N. Jha, Learned Advocate.
Counsel for the State : Sri A. N. Jha, Learned Public Prosecutor.
Counsel for the Informant : Sri Dhiraj Kumar, Learned Advocate.

ORDER
20.05.2026

1. The present application has been preferred on behalf of the petitioners seeking the privilege of anticipatory bail in connection with Bishanpur P.S. Case No. 127 of 2024, instituted for the offences punishable under Sections 127(1), 115(2), 118(1), 110, 117(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS”).
2. The prosecution case, as emerging from the fard beyan of the Informant, is that on 15.10.2024 between 09:00 AM and 10:00 AM, all the accused persons including the present petitioners, acting in furtherance of their common intention, allegedly surrounded the Informant. It is alleged that petitioner no. 2 namely Dilip Paswan exhorted the co-accused persons to kill the Informant by branding her as “daain”, whereupon petitioner no. 1 namely Manoj Paswan allegedly assaulted the Informant on her head by means of an iron rod. Thereafter, all the accused persons allegedly assaulted the Informant, causing injuries to her. The villagers are stated to have taken the Informant to DMCH, Darbhanga for treatment. On the basis of the aforesaid allegations, the present FIR came to be instituted.
3. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have falsely been implicated due to family dispute and longstanding enmity between the parties. It has further been submitted that both sides belong to the same lineage and there exists admitted case and counter-

Page No. 2 of 3
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case between them. Learned counsel further contended that the petitioners have no criminal antecedent and they had cooperated during investigation pursuant to notice issued under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023. It has also been argued that after completion of investigation, charge-sheet has already been submitted and cognizance has also been taken by the learned Court concerned, therefore, custodial interrogation of the petitioners is no longer required.

4. Learned Public Prosecutor appearing on behalf of the State, assisted by the learned counsel for the Informant, opposed the prayer for anticipatory bail and submitted that the allegations against the petitioners are serious in nature and specific overt act has been attributed against some of the petitioners in the FIR.
5. I have heard learned counsel for the parties at length and carefully gone through the materials available on record including the case diary. Upon consideration of the allegations made in the FIR as well as the materials collected during investigation, it appears that the petitioners are named accused in the present case. However, the injury report available on record indicates that the injuries sustained by the Informant are simple in nature. It further appears from the case diary that notices under Section 35(3) BNSS had already been served upon the petitioners during investigation and there is nothing in the case diary to suggest that the petitioners misused the liberty so granted or failed to cooperate with the investigating agency. It is also pertinent to note that after completion of investigation, the Investigating Officer has already submitted charge-sheet and the learned Court concerned has taken cognizance vide order dated 09.09.2025. Thus, the investigation qua the petitioners already stands substantially concluded and their custodial interrogation does not appear necessary at this stage. Further, paragraph-39 of the case diary reveals that the petitioners have no criminal antecedent. The materials available on record also indicate existence of admitted case and counter-case between the parties arising out of family dispute, which prima facie suggests that the occurrence may have taken place in the backdrop of pre-existing animosity.

Page No. 3 of 3
Santosh Kumar Pandey, D&ASJ – II, Darbhanga
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6. It is well settled that while considering an application for anticipatory bail, the Court is required to balance the personal liberty of the accused with the interest of investigation. Factors such as nature of accusation, gravity of offence, antecedents of the accused, likelihood of absconding, possibility of tampering with evidence and necessity of custodial interrogation are relevant considerations. Anticipatory bail cannot be denied merely as a matter of punishment before trial, particularly when the accused persons have cooperated during investigation and no exceptional circumstance necessitating custodial detention is made out.
7. In the present case, considering the nature of injuries sustained by the Informant, the admitted counter-case between the parties, the absence of criminal antecedent, the cooperation extended by the petitioners during investigation pursuant to notice under Section 35(3) BNSS, and the fact that charge-sheet has already been submitted and cognizance taken, this Court is of the considered opinion that the petitioners have succeeded in making out a fit case for grant of anticipatory bail.
8. Accordingly, the prayer for anticipatory bail is **allowed**.
9. It is directed that in the event of arrest or surrender before the learned Court below within a period of six weeks from the date of this order, the petitioners shall be released on bail upon furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned Court concerned, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Santosh Kumar Pandey)
Additional Sessions Judge-II
Darbhanga
20.05.2026

Date of Judgement/order	20.05.2026
Date of reserving judgement/order	20.05.2026
Uploading Date	21.05.2026
Uploaded by	Ashish Kumar, Stenographer.