

In the Court of Sri Santosh Kumar Tiwary
Principal District & Sessions Judge, Sheikhpura.

B.P. No:- 706/2026

State of Bihar vs. Mukesh Paswan.

Mukesh Paswan, Aged about 40 years
 S/o Rajo Paswan
 R/o Village – Shekhopur Dih, P.S.- Shekhopur Sarai,
 District – Sheikhpura.....Petitioner.

Vs.

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

For the Petitioner	:- 1. Sri Awadhesh Kumar Jha, Ld. Advocate. 2. Sri Rahul Kumar, Ld. Advocate.
For the O. P. (State)	:- Sri Uday Narayan Sinha, Ld. P. P.
For the Informant	:- Sri Ramchandra Prasad Singh, Ld. Advocate.

ORDER

07.07.2026 Bail petition has been filed on behalf of accused petitioner Mukesh Paswan **under custody since 13.06.2026** in connection with Shekhopur Sarai P.S. Case No. 101/2026. The present case has been registered against the accused petitioner and others for committing the offence U/s. 126(2), 115(2), 118(1), 109(1), 3(5) of B.N.S. The present petitioner is also named in the FIR with the allegation that he has committed the alleged offence. Hence, he has moved this bail petition U/s. 483 of B.N.S.S-2023. Ld. P.P. submitted case diary.

As per written report of informant Satish Kumar, prosecution story in brief is that on 09.06.2026 at about 7:00 A.M., his brother Rajiv Kumar went to Mahesh Sthan Chowk for coaching classes. There, near the Bajrangbali temple, the accused Prateek Kumar, Shailendra Kumar, Mukesh Paswan and 5-6 others assaulted his brother with Lathi, Danda and iron rod with the intent to kill him, causing him injuries. Thereafter, the informant admitted his brother to the Primary Health Centre in Shekhopursarai for treatment; however, following the initial treatment, his brother was referred due to his critical condition. Currently, the informant is getting his brother treated at a private hospital in Bihar Sharif. His brother is in coma.

Learned Advocate for the petitioner has submitted that petitioner is innocent and has not committed any offence, rather he has been falsely implicated in this case. Earlier, the accused petitioner has not filed any bail petition before this Court or before Hon'ble High

Cont...

In the Court of Sri Santosh Kumar Tiwary
Principal District & Sessions Judge, Sheikhpura.
B.P. No:- 706/2026
State of Bihar vs. Mukesh Paswan.

Cont...

07.07.2026 Court, Patna. The accused petitioner has no criminal antecedent. At the time of the alleged occurrence, he was not present at the place of occurrence. It is not possible that a father and son would act out a physical altercation. This doesn't seem to be true. It seems completely fabricated. The nature of the incident clearly suggests that this was a fight between two students, not a dispute between their guardians. Therefore, the collusion of the guardian's name in this case is completely meaningless. According to the prosecution's case, there is no specific allegation of assault against the petitioner; rather, there is general and omnibus allegation of assault against the petitioner. The petitioner has been in judicial custody since 13.06.2026. The petitioner undertakes that he shall cooperate in the investigation and shall be present before the Court on every fixed date.

Ld. P.P. opposed the prayer for bail and has submitted that accused petitioner is involved in alleged offence.

Heard the learned Advocate for the accused petitioner as well as Ld. Public Prosecutor and perused the record. From perusal of case record, it transpires that both parties belong to same locality and occurrence took place between both the parties over a trivial matter. There is no specific allegation of assault against the accused petitioner, rather allegation is general and omnibus. From perusal of case diary, it also appears that witnesses of the case diary have not made any specific allegation of assault against the accused petitioner. From perusal of injury report mentioned in Para 53 of the case diary, it appears that the doctor has found only one injury on the person of injured Rajiv Kumar i.e. swelling over left temporoparietal region. Nature of injury is reserved due to unavailability of NCCT brain film and report. Kind of weapon- Hard and blunt objects. It is pertinent to mention here that the incident occurred on 09.06.2026 and the injured person Rajiv Kumar was examined by doctor on the same day, further the case diary submitted before this Court up to 26.06.2026 (up to Para 75), and the injury report contained in Para 53 states that "Nature of injury is reserved due to unavailability of NCCT brain film and report." Consequently, despite the lapse of approximately 28 days since the incident, no supplementary injury report has been submitted to the Court, nor has any information regarding this matter been provided by the Ld. Public Prosecutor, which appears to indicate that the prosecution is behaving

Cont...

In the Court of Sri Santosh Kumar Tiwary
Principal District & Sessions Judge, Sheikhpura.
B.P. No:- 706/2026
State of Bihar vs. Mukesh Paswan.

Cont...

07.07.2026 irresponsibly and is not diligent in producing supplementary injury report as required. Further, from perusal of injury report of injured, prima facie it appears that the injury of injured is not life-threatening and the same is caused by hard and blunt object. As per Para 3 of bail petition, the accused petitioner has no criminal antecedent and there is no mention about the criminal history of the accused petitioner in the case diary also. There is no specific allegation of assault against the accused petitioner, rather allegation is general and omnibus. The accused petitioner is in judicial custody since 13.06.2026. Considering the above facts and circumstances, the present bail petition of accused petitioner Mukesh Paswan is hereby allowed and accused petitioner Mukesh Paswan be enlarged on bail on furnishing bail bond of Rs. 10,000/- with two sureties of like amount each to the satisfaction of Ld. Trial Court, subject to the condition that –

- 1. One of the sureties shall be close relative of accused petitioner.**
- 2. If in future the injury report reveals that the injury is grievous, the informant shall be at liberty to move an application for cancellation of bail of accused petitioner.**
- 3. Accused petitioner shall fully cooperate in the investigation and shall appear before the I.O. as and when required.**
- 4. Accused petitioner shall appear before the Ld. Trial Court on each and every dates till framing of the charge.**
- 5. Accused petitioner shall provide his mobile number and Whats App number in writing to the Ld. Trial Court at the time of furnishing bail bond, and shall also undertake not to change his mobile number until the trial is concluded without the permission of the Ld. Trial Court.**

Dictated.

Principal District & Sessions Judge
 Sheikhpura.
 07.07.2026

Date of Judgment / order	07.07.2026
Date of Reserving Judgment / order	N/A
Uploading Date	08.07.2026
Uploaded by	Md. Fazal Ahmed (Stenographer)