

In the Court of Sessions Judge, Supaul

A.B.A.-29/2026 & ABA-42/2026

(Arising out of Birpur PS Case No:-381/2025)

ABA-29/2026

1. Balkrishna Deo, S/o- late Hardeo Lal Deo;
2. Sanjan Devi, W/o- Balkrishna Deo, both R/o- Sitapur, Ward No.10, PS- Birpur, District- Supaul;

.....Accused/Petitioners

Vs.

State of Bihar.O.P.

ABA-42/2026

1. Santosh Paswan, S/o- Rangalal Paswan;
2. Mantu Paswan, S/o- Rangalal Paswan;
3. Makeswar Paswan @ Makaiya Paswan, S/o- Late Khakhar Paswan, All R/o- Sitapur, Ward No.10, PS- Birpur, District- Supaul;

.....Accused/Petitioners

Vs.

State of Bihar.O.P.

26/03/2026

Ld. Counsel for petitioners Sri. N.N.Thakur, Advocate.

Ld. PP Sri. J.N.Pandey, for the State.

Ld. counsel for informant Sri. K.K.Singh, Advocate.

By this order we are going to dispose off two anticipatory bail applications i.e., ABA No.29/2026 filed on behalf of two accused/ petitioners namely Balkrishna Deo and Sanjan Devi and ABA No.42/ 2026 filed on behalf of three accused/ petitioners, namely Santosh Paswan, Mantu Paswan and Makeswar Paswan @ Makaiya Paswan, who are apprehending their arrest in connection with Birpur PS Case No.:- 381/25, u/s- 103(1), 61(2), 3(5) of B.N.S.

Ld. counsel for the accused/ petitioners argued that accused/ petitioners are quite innocent and have committed no crime and they have falsely been implicated in this case due to local village politics. He further submitted that the offence as alleged in FIR is not applicable against the accused/ petitioners. It is also submitted that accused/ petitioners are ready to abide by the provisions of section 482 of B.N.S.S, so they may be admitted to the anticipatory bail.

Ld. PP for the State strongly opposed the anticipatory bail application.

In brief, the prosecution story is that on dated 17.11.2025 till 07:00 P.M when the husband of the informant has not returned to the home then her daughter Kanchan Kumari tried to contact her father on his mobile phone then he replied that very soon he shall return to the home. Thereafter, after some times the informant along with 3-4 persons having the torch tired to search the husband of the informant and found that there were some noise coming from the east side of the house of Krishna Bhagat. Thereafter, the informant and his family members reached there and saw that Ramji Paswan, Nageshwar Paswan, Santosh Paswan, Mantu Paswan, Ganga Deo, Najma Paswan, Makeswar Paswan @ Makaiya Paswan, Amrendra Deo and Dilip Mahatman along with 4 other

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unknown persons having the sharp edged weapon and country made pistol with other weapons present there. The informant further alleged that the accused Mantu Paswan pushed the husband of the informant and all the accused persons have overpowered him and accused Santosh Paswan having the sharp edged *Dabiya*, assaulted on the back side of head of the husband of the informant, thereby he fell down on the ground. Accused Ramji Paswan also having the *Dabiya* assaulted the husband of the informant on his face two times and accused Nageshwar Paswan having the *Dabiya* assaulted on the neck of the husband of the informant, thereby he died on the spot and all the accused persons ran away from the place of occurrence. The informant further alleged that in this conspiracy the accused Balkrishna Deo and Sanjan Devi were also involved and they were left the village at about 04:00 P.M. and accused Balkrishna Deo has engaged the contract killer and pay the huge amount to the assailants.

Argument heard from both sides and perused the record as well as case diary. As per para No.2 of the case diary, the I.O has also prepared the death summary report of the deceased and the I.O has also found that the deceased has sustained injury on the neck and other parts of body caused by sharp edged *dabiya*. On perusal of the case diary, it transpires that the police also recorded the statement of the witnesses namely Kanchan Kumari and Ram Krishna Deo and both the witnesses have duly supported the prosecution case. As per para No.65 of the case diary, the police also collected the call details of the mobile phone numbers used by the accused persons. As per the supervision report, the deceased Ramprasad Deo was continuously talking with the accused Ramji Paswan and on the day of incident, both were talked at 05:56 P.M and both of them have talked about 7 times and accused Ramji Paswan has called the deceased Ramprasad Deo. Similarly, accused Santosh Paswan also talked with accused Sanjan Devi on the day of incident on her mobile phone at 05:48 P.M and 06:27 P.M for 39 seconds and 27 seconds respectively. The police has also collected the CCTV footage around the place of occurrence and on the day of incident the deceased Ramprasad Deo was driving the Scooty and accused Ramkrishna Deo was riding on his Scooty. During the course of investigation, the I.O also collected that the deceased was doing the business of land transaction and there was the land dispute between the deceased Ramprasad Deo and Balkrishna Deo and his wife Sanjan Devi and a title suit is also pending between the parties in Civil Court. The I.O also found that after hatching a conspiracy the accused Balkrishna Deo has left for Nepal. Thereafter, this offence was committed. As per the postmortem report the doctor has found the cut mark injury on the body of the deceased and opined the cause of death of the deceased **as sharp injury and major blood vessels cut of left side of throat lead to shock and death**. On minute scrutiny of the entire case

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diary, it transpires that accused Balkrishna Deo and Sanjan Devi were having the land dispute with the deceased Ramprasad Deo and before the death of the deceased, both the accused/ petitioners were found continuous contact with the other accused persons, who have committed the crime. The presumption is against the accused/ petitioners that both the accused/ petitioners have hatched a conspiracy to eliminate the deceased because there is land dispute pending between the parties. So far as, accused/ petitioners Santosh Paswan, Mantu Paswan and Makeshwar Paswan @ Makaiya Paswan are concern; as per the FIR, these three accused/ petitioners were present at the place of occurrence and actively participated in the commission of the crime and accused/ petitioner Mantu Paswan pushed the deceased on the ground and accused/ petitioner Santosh Paswan assaulted the deceased by the sharp edged *Dabiya* on the back side of the head of the deceased and accused/ petitioner Makeshwar Paswan @ Makaiya Paswan was also present at the place of occurrence and assisted the accused on the commission of the crime. As per the postmortem report, the deceased has sustained cut mark injury on the vital part of the body, which are sufficient to cause death of the deceased. The allegation against all these five accused/ petitioners are very serious in nature. The custodial interrogation of accused/ petitioners are also required. The tempering of the prosecution evidence by the accused/ petitioners is also cannot be ruled out.

Hence, keeping in mind the seriousness of the allegation, I find that all the accused/ petitioners are not entitled to get the benefit of anticipatory bail. As such, the prayer of the anticipatory bail, on behalf of all the accused/ petitioners namely Balkrishna Deo, Sanjan Devi, Santosh Paswan, Mantu Paswan and Makeshwar Paswan @ Makaiya Paswan, is hereby, **Rejected**.

Dictated
-Sd-
(Anant Singh)
Sessions Judge, Supaul