

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37546 of 2025

Arising Out of PS. Case No.-197 Year-2024 Thana- KOPA District- Saran

Hemant Tiwari @ Golu S/O Tarkeshwar Tiwari R/O Village- Bankata, P.S-
Kopa, Distt.- Saran. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Nandan, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-07-2025 Heard Mr. Ravi Nandan, learned counsel for the

petitioner and Mr. Awadhesh Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kopa P.S. Case No. 197 of 2024, F.I.R. dated 06.11.2024 for the offences punishable under Sections 126(2), 115(2), 353, 118(1), 109, 74, 303(2), 117(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, over a petty dispute all the accused persons including this petitioner armed with deadly weapons brutally assaulted the informant and his brother causing them several injuries.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the



F.I.R. Due to petty dispute the present occurrence has taken place. There is case and counter case between the parties. Although there is specific allegation against the petitioner that he has assaulted to one Sanjay Tiwari due to which he has received injury but the injury report of the injured person suggest that the injury is simple in nature caused by hard and blunt substance. He further submits that the similarly situated co-accused, namely, Lokesh Tiwari @ Lokesh Kumar Tiwari has been granted anticipatory bail by this Court vide order dated 21.04.2025 passed in Cr. Misc. No. 17446 of 2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, injury of the injured person is simple in nature and similarly situated co-accused has been granted bail, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saran at Chapra in connection with Kopa P.S. Case No. 197 of 2024, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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