

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44371 of 2025

Arising Out of PS. Case No.-165 Year-2025 Thana- CIVIL LINE District- Gaya

- 1. Nishant Tiwari S/o Late Mugal Tiwari R/o Village- Phulwariya, Songraha, P.S.- Phulwaria, District- Begusarai, Bihar
- 2. Deepak Tiwari S/o Late Mugal Tiwari R/o Village- Phulwariya, Songraha, P.S.- Phulwaria, District- Begusarai, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 44801 of 2025

Arising Out of PS. Case No.-165 Year-2025 Thana- CIVIL LINE District- Gaya

- 1. Sanjay Pandey S/o Bhola Pandey R/o Village- Kala Dighdhi, P.S.- Sadar, Hajipur, District- Vaishali, Bihar
- 2. Sujit Tiwari S/o Late Rampravesh Tiwari R/o Village- Lalganj, P.S.- Lalganj, District- Vaishali, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 44371 of 2025)
For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
Mr. Kumar Rajdeep, Advocate
Mr. Raju Goswami, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 44801 of 2025)
For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
Mr. Kumar Rajdeep, Advocate
Mr. Raju Goswami, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 15-11-2025 Heard Mr. N.K. Agarwal, learned Senior counsel for

the petitioners in both the cases and Mr. Shailendra Kumar,



learned APP.

2. The petitioners are in custody in connection with Civil Line P.S. Case No. 165 of 2025 for the offence punishable under Sections 313, 317(5), 318(4), 338, 336(3), 340(2) and 3(5) of the BNS lodged on 24.04.2025 by the informant, Balram Chaudhary.

3. As per the prosecution story, the informant alleged that during vehicle checking, the accused approaching the Police were intercepted, tried to escape, were apprehended. The vehicle they were riding had no valid papers and upon interrogation, they confessed to other crimes also. This led to the FIR/arrest.

4. Learned Senior counsel for the petitioners submit that all the witnesses to the said recovery/seizure are official witness, despite the busy location, no independent witness has been part of the record, only because, they have criminal antecedent, the Police implicated them. Further, they have remained in custody since 25.04.2025, if granted bail, they shall not indulge in any criminal activity, if implicated in any other case, the present bail bond be cancelled and if relief granted, they shall be diligently appearing in trial.

5. Learned APP opposes the prayer for bail submitting



that they have criminal antecedent and were apprehended with un-numbered vehicle which was found to be stolen.

6. Taking into account the submission of the parties as also the fact that there is no independent witnesses to the said occurrence, they have remained in custody since 25.04.2025, have undertaken not to indulge in any criminal activity and further undertaken to diligently appear in trial, in that background, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Gaya in connection with Civil Line P.S. Case No. 165 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned



police station every fortnight for one year to mark their attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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