

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61238 of 2025**

Arising Out of PS. Case No.-744 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

Bhagawan Tiwari @ Bhagwan Tiwari S/o Late Bashisht Tiwari R/o Village-
Naya Gaon Tulsiya, PS- Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 29-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Gopalganj P.S. Case No. 744 of 2024, instituted for the offences
punishable under Sections 118(2), 109, 118(1), 61(2), 3(5) of the
Bharatiya Nyaya Sanhita, 2023 read with Sections 25(1-B)(a),
26, 27 and 35 of the Arms Act.

3. The prosecution case, in short, is that some
assailants surrounded the prisoner Vishal Singh and fired upon
him. It is further alleged that in course of firing, the injured,
namely, Gulab Hussain was also shot by the miscreants.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. The petitioner was not apprehended from the spot and his name has surfaced in this case on the basis of the confessional statement of the co-accused. As per confessional statement of the co-accused Suresh Kumar, the petitioner and one Akash Singh have supplied the arms and, except this, there is nothing adverse against the petitioner. As per self-confessional statement, the allegation of opening firing is upon Suresh Kumar. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. No specific allegation has been attributed against the petitioner rather the same is general and omnibus in nature. It is further submitted that specific allegation of firing is against co-accused, namely, Suresh Kumar from whose possession, the police has recovered one country made pistol along with eight live cartridges. The petitioner is in custody since 20.01.2025 and has got no criminal antecedent. He further submits that the co-accused Shambhu Singh has already been granted bail by this Court vide order dated 11.08.2025 passed in Cr. Misc. No. 26874 of 2025.

5. Learned APP for the State and learned counsel for the injured victim have vehemently opposed the prayer for grant of bail to the petitioner.



6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gopalganj P.S. Case No. 744 of 2024.

(Rudra Prakash Mishra, J)

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