

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74832 of 2025

Arising Out of PS. Case No.-292 Year-2025 Thana- BAIKUNTHPUR District- Gopalganj

1. Jagdish Tiwari @ Jagdish Singh Son of Late Ramnarayan Tiwari RO Village - Shankarpur, P.S. - Baikunthpur, District - Gopalganj.
2. Balindra Tiwari Son of Late Bhola Tiwari RO Village - Shankarpur, P.S. - Baikunthpur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-11-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Baikunthpur P.S. Case No. 292 of 2025, dated 13.08.2025, registered for the offences punishable under Sections 115(2), 117(2), 118(1), 109(1), 126(2), 127(2), 351(3) and 352 read with section 3(5) of the B.N.S., 2023.

3. As per the prosecution case, the petitioners and other co-accused persons who were armed with *farsa*, sword, rod, bhala, *lathi*- danda attacked the house of the informant and assaulted the informant and his family members causing a



number of injuries to them.

4. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. There is no allegation of assault against the petitioners. Only allegation against the petitioners are that they threw down the informant and sister of the informant. There is case and counter version and on the date of occurrence the informant side was forcibly constructing boundary wall in the land of petitioners and they assaulted the petitioners and their family members and Baikunthpur P.S. Case No. 300/2025 has been lodged against the informant. The prosecution side is aggressor which forcibly tried to capture the land of the petitioners. Persons from petitioners side also received injuries. Petitioner no. 1 is aged about 57 years and petitioner no. 2 is aged about 62 years. They were not even present at the place of occurrence but their names have been given with allegation that both of them threw one person each on the ground from the prosecution side. The petitioner no. 1 having antecedent of one case whereas petitioner no. 2 is having antecedent of two cases and they are on bail in both cases. Petitioners are in custody since 16.08.2025. Charge-sheet has been submitted.



5. Learned A.P.P. appearing on behalf of the State as well as informant vehemently opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation against the petitioners, their period of custody and submission of chargesheet, the petitioners, above-named, are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gopalganj/ concerned Court, in connection with Baikunthpur P.S. Case No. 292 of 2025, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial Court.

(iii) In case of non-appearance of the petitioners on single date or in violation of



*the terms of the bail, the bail bond of the
petitioners will be liable to be cancelled by the
Court concerned.*

(Arun Kumar Jha, J)

Ranjeet/-

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