

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87577 of 2025

Arising Out of PS. Case No.-412 Year-2024 Thana- DAWATH District- Rohtas

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Barmeshwar Tiwary S/O Late Chaturanand Tiwary Resident of Village-
Parmanpur, Police Station- Dawath, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-12-2025 Heard Mr. Raghunandan Kumar Singh, learned
counsel for the petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Dawath P.S. Case No. 412 of 2024 for the offence under sections 126(2), 115(2), 118, 109, 303(2), 74, 352, 351(2) and 3(5) of the B.N.S. lodged on 30.12.2024 by the informant, Shashiprabha Devi.

3. As per the prosecution story, the informant alleged that due to dispute between the agnates, the assault took place in which informant's husband, Manoj Tiwary was assaulted by sharp weapon by this petitioner with an intention to kill, his head was seriously injured whereafter Santosh Tiwari and Balwant Tiwari also assaulted him with '*lathi*'. When the father-in-law came to rescue, Shivshankar Tiwari assaulted by country-



made pistol while on Barmeshwar Tiwari, there is allegation of assault and taking away the earring and gold chain. The injured was taken to Dawath Government Hospital for treatment and considering the seriousness, was referred to Sadar Hospital Sasaram and then to Varanasi Trauma Center. This led to the FIR.

4. Learned counsel for the petitioner submits that earlier, under the wrong impression that the petitioner has been arrested, the anticipatory bail application in Cr. Misc. No. 25924 of 2025 was withdrawn (Annexure P/1 to the petition).

5. The submission is that a bare perusal of the FIR would show that the allegation against him is of assaulting with fist and slap and he do not have criminal antecedent.

6. Learned APP opposes the prayer and submits that this is the second attempt of the petitioner.

7. Though this is the second attempt, the fact remains that erroneously, the petitioner's case was withdrawn on the wrong impression that he has been arrested. Only allegation against him is that he used fist and slap to assault the informant's side and the petitioner has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.



8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, 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-I, Bikramganj, Rohtas in connection with Dawath P.S. Case No. 412 of 2024 subject to the following conditions:

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

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his 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 petitioner 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 petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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