

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1657 of 2026

Arising Out of PS. Case No.-212 Year-2025 Thana- RAMGARH District- Kaimur (Bhabua)

Arun Kumar Tiwari @ Arun Tiwari S/O Rajendra Tiwari R/O Village-
Anantpura, P.S.- Ramgarh, Distt.- Kaimur, Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-02-2026 1. Heard learned Senior Counsel for the petitioner, Mr. Chandra Bhushan Prasad, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 103(1) and 3(5) of the BNS as well as Sections 25(1-b)(a), 26, 27 and 35 of the Arms Act.
3. Learned Senior Counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that his son was coming back home after cleaning the temple, when he was intercepted by the accused persons including the petitioner and the accused persons said to kill him on which Santosh fired from the roof top of Mahima Shaw but missed thereafter again fired causing injury on chest leading to his death.
4. Learned Senior Counsel appearing on behalf of the



petitioner submits that petitioner being brother of Santosh has been falsely implicated in the instant case by the informant with general and omnibus allegation. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that specific allegation of firing is against Santoh but then during the course of investigation, the petitioner came to be implicated on the ground that he had given the gun to Santosh from which he fired. It is next submitted that informant in the FIR does not even remotely suggest that it was this petitioner who had given the gun to Santosh for committing the occurrence but then during the course of investigation, by way of afterthought, the petitioner was also implicated. It is also submitted that father of the petitioner, namely, Rajendra Tiwari had approached this Court seeking anticipatory bail by filing Cr. Misc. No. 83979 of 2025 and the same came to be allowed by an order dated 05.02.2026. It is submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Mr. Chandra Bhushan Prasad, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submissions of the learned Senior Counsel appearing on behalf of the petitioner that it was Santosh who is alleged to have caused firearm injury to the son of the



informant and the informant in the FIR does not even remotely suggest that the gun was given by the petitioner to Santosh for committing the occurrence.

6. Considering the submissions made by the learned Senior Counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/Successor Court in connection with Ramgarh P.S. Case No. 212 of 2025, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C./482(2) of the BNSS.

7. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned trial court that petitioner despite giving assurance to this Court is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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