

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.7093 of 2026

Arising Out of PS. Case No.-420 Year-2025 Thana- BAIKUNTHPUR District- Gopalganj

Shailesh Tiwari @ Shailesh Kumar Tiwari S/o Late Krishna Tiwari R/o
Village - North Bankatti @ Bankati, P.S - Baikunthpur, District - Gopalganj
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate.
Dr Sanjay Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Ajit Kumar, APP.
For the Informant : Mrs. Shubhangi Pandey, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 07-05-2026 Heard Mr. Krishna Prasad Singh, learned senior
counsel along with Dr. Sanjay Kumar Singh, learned counsel
appearing on behalf of the petitioner; Mr. Ajit Kumar, learned
APP for the State and Mrs. Shubhangi Pandey, learned counsel
for the informant.

2. The petitioner seeks pre-arrest bail in connection
with Baikunthpur P.S. Case No. 420 of 2025 registered for the
offence punishable under Sections 103(1), 109(1), 126(2), 61(2)
and 3(5) of BNS.

3. As per the allegation made in the F.I.R., the
petitioner, along with other accused persons, is alleged to have
committed murder of the informant's *bhabhi*, and in the course
of the said occurrence, the father of the informant also sustained
injuries. The specific allegation against the petitioner is that he
was the conspirator who had planned the commission of the



alleged occurrence in which the daughter-in-law of Sribhagwan Tiwari and the *bhabhi* of the informant, was murdered on the spot.

4. Mr. Krishna Prasad Singh, learned senior counsel appearing on behalf of the petitioner, submits that the petitioner is innocent and is presently serving as an Army Officer. He contended that, even according to the allegation made in the F.I.R., at best, the petitioner can only be alleged to be a conspirator but he was not on the spot in which occurrence, the daughter-in-law of Sribhagwan Tiwari and also the sister-in-law (*bhabhi*) of the informant, died on the spot. He further submitted that the genesis of the occurrence is that he had purchased a piece of land appertaining to Khata No. 328, Khesra No. 564, Jamabandi No. 334, area measuring 2 Kathas and 5 Dhurs, situated at Mauza–Khaira Ajam, Anchal–Baikunthpur, District–Gopalganj. Learned senior counsel points out that neither the details of the said sale deed nor the date of its execution have been mentioned in the F.I.R. or even in the bail application. However, during the course of hearing of the present bail application, Dr. Sanjay Kumar Singh, learned counsel, produced a xerox copy of Sale Deed No. 3853 dated 30.10.2025, registered before the Sub-Registrar, Sidhwalia, Gopalganj. It is



further submitted that the aforesaid sale deed was executed by one Pramila Devi, wife of Sushil Kumar, resident of Bankatti, Baikunthpur, Gopalganj, and as such, the informant has no concern, whatsoever with the said property. He emphatically submitted that the question of any land dispute between the petitioner and the informant does not arise. Learned counsel further submitted that the petitioner has falsely been roped in the present case due to strained relation with his brother-in-law, co-accused Chandralok Tiwari with whom the informant is on inimical terms. On the aforesaid grounds, he has submitted that the petitioner be enlarged on pre-arrest bail.

5. *Per contra*, Mrs. Shubhangi Pandey, learned counsel appearing on behalf of the informant submitted that the petitioner is the main conspirator, who had purchased the land belonging to Sribhagwan Tiwari by creating a false sale deed and he had conspired to commit murder, in which, sister-in-law of the informant died on the spot. She, however, admits that at the time of commission of murder, the petitioner was not present on the spot. She further submitted that in course of trial, there is every likelihood that the petitioner will be convicted for the offence as alleged in the F.I.R.

6. Mr. Ajit Kuamr, learned APP for the State



supporting the argument advanced on behalf of the informant submitted that there was an attempt to commit double murder in which the sister-in-law of the informant died.

7. Having heard the rival submissions made on behalf of the parties and upon perusal of the allegation made in the F.I.R., as well as, the materials collected during the course of investigation as contained in the case diary, which reveals that the petitioner was not physically present at the place of occurrence and his role has been confined to that of an alleged conspirator in the commission of the offence. The petitioner has claimed that he is an Army personnel and had purchased a piece of land appertaining to Khata No. 328, Khesra No. 564, Jamabandi No. 334, area measuring 2 Kathas and 5 Dhurs, situated at Mauza–Khaira Ajam, Anchal–Baikunthpur, District–Gopalganj, claiming that the said land does not belong to the informant or his family members. However, the petitioner admits that he does not maintain cordial relations with his brother-in-law, namely Chandralok Tiwari, against whom there is specific allegation of having committed the murder of the bhabhi of the informant on the spot.

8. The F.I.R. also indicates that the petitioner had purchased land allegedly from his vendor Pramila Devi, wife of



Sushil Kumar, who had executed the sale deed in favour of the petitioner and which has not been denied by the informant that the same belongs to any of the family members. However, it has transpired from paragraphs 14 and 15 of the case diary that, by allegedly impersonating a female, the petitioner got the sale deed executed in his favour. The xerox copy of the sale deed, produced before this Court by the learned counsel for the petitioner, prima facie, indicates that the deceased, namely Rinku Tiwari, is not the vendor of the said sale deed.

9. I find that the post-mortem report, contained at page nos. 28 to 30 of the case diary, reveals that the death had occurred at the place of occurrence. The dead body of the deceased was brought dead to the hospital.

10. The Apex Court in *Manno Lal Jaiswal Vs the State of Uttar Pradesh & Anr (Criminal Appeal No. 97 of 2022)* has observed that while granting bail, the relevant considerations are (i) nature of seriousness of the offence; (ii) character of the evidence and circumstances which are peculiar to the accused; and (iii) likelihood of the accused fleeing from justice; (iv) the impact that his release may make on the prosecution witnesses, its impact on the society; and (v) likelihood of his tampering.



11. In the facts and circumstances of the case, this Court directs the learned District Court to verify the genuineness and particulars of the sale deed in question. If it is found that the sale deed has been executed in respect of the land claimed by the informant fraudulently by impersonating any other person and the land belongs to the informant or any member of his family members, the complicity of the petitioner in the alleged commission of murder cannot be ruled out. However, if it is found that no such sale deed had, in fact, been executed by any person, as indicated in paragraphs 14 and 15 of the case diary and claimed by the informant, then the case of the petitioner would stand on a different footing, particularly in view of the fact that he was admittedly not present at the place of occurrence and no overt or active role has been attributed to him in the actual commission of the murder on the spot.

12. Accordingly, upon such determination, the learned District Court is directed to pass a reasoned order forthwith in light of the law laid down by the Hon'ble Apex Court in the case of ***Manno Lal Jaiswal Vs. State of Uttar Pradesh & Anr. (supra)***.

13. The above exercise is directed to be completed by the learned District Court well within a period of four weeks



from the date of communication of this order, till then no coercive step shall be taken against the petitioner.

14. The bail application stands disposed of.

(Purnendu Singh, J)

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