

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18483 of 2026

Arising Out of PS. Case No.-402 Year-2025 Thana- SASARAM MUFFASIL District- Rohtas

1. Kush Tiwari Son of Late Ramji Tiwari Resident of village - Samardiha, P.S.- Sasaram (Muffasil), District - Rohtas.
2. Amar Tiwari Son of Kush Tiwari Resident of village - Samardiha, P.S.- Sasaram (Muffasil), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate
For the State : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-03-2026 Heard Mr. Babu Nandan Prasad, learned counsel for
the petitioners and Mrs. Asha Kumari, learned APP for the State.

2. Petitioners seek bail, who are in custody since
01.01.2026, in connection with Sasaram (Muffasil) P.S. Case
No. 402 of 2025, F.I.R. dated 31.12.2025 registered for the
offences punishable under Sections 329(4), 115(2), 117(2), 109,
352, 351(3), 3(5) of the B.N.S., 2023.

3. Allegation against the petitioners is that they have
assaulted the son of the informant due to which he sustained
injuries.

4. Learned counsel for the petitioners submits that the
petitioners have clean antecedents and they have been falsely



implicated in the present case. He further submits that although the petitioners are named in the F.I.R. but from perusal of the F.I.R. it appears that the F.I.R. is in two parts, in first part, there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners and in the second part, there is specific allegation against the petitioner no. 1 that he has assaulted the son of the informant. Although the son of the informant has received injury but the injury report of the informant suggests that the injury is simple in nature caused by hard and blunt substance and both the parties are agnates to each other and there is case and counter case between the parties. The petitioners are in custody since 01.01.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas, Sasaram in



connection with Sasaram (Muffasil) P.S. Case No. 402 of 2025,
subject to the following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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(Rajesh Kumar Verma, J)

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