IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30738 of 2025

CNR No. BRHC010394402025

Arising Out of PS. Case No.-205 Year-2017 Thana- AANDAR District- Siwan

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1. Shivendu Kumar Tiwari @ Shivendu Tiwari @ Shivendra Kumar Tiwari @ Shivendra Tiwari S/O Yogendra Tiwari @ Yogendra Kumar Tiwari R/O Village- Tiwari Ke Bhatkan, P.S- Andar, Distt.- Siwan, Bihar.
2. Mirtunjay Tiwari @ Mrityunjay Tiwari @ Mrityunjay Kumar Tiwari S/O Trilokinath Tiwari @ Yogendra Tiwari R/O Village- Tiwari Ke Bhatkan, P.S- Andar, Distt.- Siwan, Bihar.
3. Yogendra Kumar Tiwari @ Yogendra Tiwari S/O Late Kanhaiya Tiwari R/O Village- Tiwari Ke Bhatkan, P.S- Andar, Distt.- Siwan, Bihar.
4. Lalit Tiwari @ Lalita Tiwari S/O Late Ramdeo Tiwari R/O Village- Tiwari Ke Bhatkan, P.S- Andar, Distt.- Siwan, Bihar.
5. Satyam Tiwari @ Satyam Kumar Tiwari S/O Mithilesh Tiwari R/O Village- Tiwari Ke Bhatkan, P.S- Andar, Distt.- Siwan, Bihar.
6. Ram Pravesh Tiwari S/O Nageshwar Tiwari R/O Village- Tiwari Ke Bhatkan, P.S- Andar, Distt.- Siwan, Bihar.
7. Munna Tiwari @ Molu Tiwari @ Malu Tiwari S/O Ram Pravesh Tiwari R/O Village- Tiwari Ke Bhatkan, P.S- Andar, Distt.- Siwan, Bihar.
8. Dhananjay Tiwari S/O Bacha Tiwari R/O Village- Tiwari Ke Bhatkan, P.S- Andar, Distt.- Siwan, Bihar.
9. Nitesh Tiwari S/O Krishna Tiwari @ Krishna Kumar Tiwari R/O Village- Tiwari Ke Bhatkan, P.S- Andar, Distt.- Siwan, Bihar.
10. Manish Tiwari @ Manish Kumar Tiwari S/O Krishna Tiwari @ Krishna Kumar Tiwari R/O Village- Tiwari Ke Bhatkan, P.S- Andar, Distt.- Siwan, Bihar.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Anup Tiwari S/O Satendra Tiwari R/O vill-Tiwari ke Bhatkan P.S-Andar Dist- Siwan

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Prashant Kumar, Advocate
For the Opposite Party/s : Mr. Murli Dhar, A.P.P

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

8 27-10-2026 Heard Mr. Prashant Kumar, learned counsel

appearing for the petitioners and learned A.P.P for the State.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 147, 148, 149, 323, 326, 447, 307, 379 of IPC and section 27 of Arms Act.

3. The prosecution case in brief is that, on the date of occurrence, while the informant was waiting for his father at his house to accompany him to Siwan Bazar, the accused persons, armed with knives, *farsa*, sword allegedly assaulted him and his family members. The informant sustained knife injuries to his chest and abdomen while his father and other relatives were also assaulted. The accused allegedly attacked informant's grandfather and other family members with sharp weapons resulting in multiple injuries. It is further alleged that the accused threatened the family and demanded Rs. 25,000/-

4. It is submitted on behalf of the petitioners that these petitioners are innocent and have falsely been implicated in this case for saving himself from the FIR bearing Andar P.S. Case No. 74 of 2017. It is further submitted that FIR was instituted on 13.10.2017 after a complaint was filed by the informant on 17.08.2017, whereas the date of occurrence is alleged to be 30.04.2017, and as such FIR has been lodged after inordinate delay of about four months without any plausible explanation.

Further, police submitted final form in favour of petitioners in view of Andar P.S. Case No. 75 of 2017, however, differing with the same the learned ACJM-IX, Siwan took congnizance against the petitioners, *vide* order dated 20.03.2018. It is lastly submitted that both cases instituted by informant side are counter blast to FIR lodged by petitioner no.1 on 30.04.2017 bearing Andar P.S. Case No. 74 of 2017. Petitioners claim clean antecedent.

5. Learned counsel for the State opposed the prayer for pre-arrest bail.

6. Considering the nature of accusation and clean antecedent, prayer for bail of these petitioners is allowed. In the event of arrest/surrender within eight weeks from today, let these petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-IX, Siwan in connection with Andar P.S. Case No. 205 of 2017, subject to the conditions laid down under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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