

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30400 of 2026

Arising Out of PS. Case No.-480 Year-2025 Thana- PANCHRUKHI District- Siwan

Suresh Tiwari @ Suresh Tiwary Son of Shiv Kumar Tiwari, Resident of
Village- Badkagaon, P.S.- Panchrukhi (Sarai O.P.), District - Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-05-2026 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Pachrukhi (Sarai) P.S. Case No. 480 of 2025 dated 29.10.2025, registered for the offences punishable under Sections 103(1) read with Section 3(5) of the B.N.S., 2023.

3. As per the prosecution case, the co-accused persons in the background of earlier dispute came to the doors of the informant and hurled abuses and threatened him. Subsequently, after leaving the place, they returned and assaulted the son of the informant, who later on succumbed to his injuries. The allegation against the petitioner is that he had been instigating the co-accused persons for killing the son of the informant.



4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. From the FIR, it is clear that no specific overt act has been attributed to the petitioner for assaulting the son of the informant. The only allegation against the petitioner is that he instigated the co-accused for killing the son of the informant. Moreover, the allegation of stabbing is levelled against co-accused Anuj Tiwari and the allegation of holding the deceased by both hands is levelled against co-accused Anil Tiwari. In these circumstances, no offence is made out against the petitioner who is in custody since 30.10.2025. Learned counsel lastly submits that petitioner is having clean antecedent and chargesheet has been submitted.

5. Learned A.P.P. appearing on behalf of the State opposes the submissions made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no allegation of any specific overt act of assault against the petitioner and also considering his clean antecedent, his period of custody and submission of chargesheet against him, the petitioner, above-named, is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten



Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Siwan / concerned Court, in connection with **Pachrukhi (Sarai) P.S. Case No. 480 of 2025**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial Court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(Arun Kumar Jha, J)

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