

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34252 of 2026

Arising Out of PS. Case No.-58 Year-2026 Thana- KATEYA District- Gopalganj

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Pankaj Tiwari @ Tiddu S/O Late Hariibans Tiwari @ Harivansh Tiwari
Resident of village-Belahi khas, Police Station-Kateya, District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan, Adv.
For the State	:	Mr. Kalyan Shankar, A.P.P.
For the Informant	:	Mr. Vyas Kumar Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

2 20-05-2026 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel for the informant through

video conferencing.

2. The petitioner seeks bail in connection with Kateya
P.S. Case No. 58 of 2026 instituted for the offences under
Sections 126(2), 115(2), 118(1), 109 & 3(5) of the Bharatiya
Nyaya Sanhita.

3. The allegation is that the petitioner along with three
other accused persons is alleged to have stabbed the informant
due to which, he sustained 13 injuries, out of which, three
injuries have been found grievous in nature.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. Counsel states that the parties are agnates and there is a long standing dispute between the co-accused Dhananjay Tiwari and the informant. The informant even in his own statement has not assigned any specific role to any person. Counsel states that the matter of common object, common intention or unlawful assembly cannot be thrashed out at this stage and the persons should be individually held liable, atleast at the stage of bail. Counsel further states that the petitioner is in custody since 05.02.2026, having three criminal antecedents.

5. Learned A.P.P for the State opposed the prayer for grant of bail to the petitioner.

6. Learned counsel for the informant also vehemently opposed the prayer for grant of bail to the petitioner and submits that the petitioner has mercilessly assaulted the informant and it is immaterial that out of 13 stabbed wounds who was the author of which assault.

7. The applicant is alleged to be a member of an unlawful assembly in connection with a case of homicidal death. It is, however, to be noted that no specific overt act of assault has been attributed to the applicant in either the First Information Report or in the statements of the eyewitnesses recorded under Section 161 Cr.P.C. The applicant's presence at



the scene of occurrence appears to be the primary basis of his implication.

8. The Supreme Court has consistently held that mere membership of an unlawful assembly, without a specific overt act being attributed to an accused, is a factor that the court must weigh carefully while considering bail, particularly at the pre-trial stage. The vicarious liability fastened by Section 149 IPC is a liability at the time of conviction and does not by itself answer the question of bail, where the individual role of the applicant and the prima facie material against him must be examined.

9. Having regard to the fact that no specific overt act of assault is attributed to the applicant, the period of incarceration already undergone, and the stage of trial, this Court is of the view that the applicant has made out a case for bail. The applicant is accordingly enlarged on bail subject to the following conditions:

(i) The applicant shall appear before the trial court on all dates of hearing without fail; (ii) The applicant shall not tamper with evidence or attempt to influence any witness; (iii) The applicant shall not leave the State without prior permission of this Court; (iv) Any violation of the above conditions shall entitle the prosecution to apply for cancellation of bail.



10. Considering that the parties are agnates and there is prior animosity as well as the fact that the allegation is general and omnibus, this Court is inclined to grant bail to the petitioner.

11. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M.-VI, Gopalganj in connection with Kateya P.S. Case No. 58 of 2026.

12. It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Ansul, J)

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