IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67341 of 2026

CNR No. BRHC010886622026

Arising Out of PS. Case No.-123 Year-2026 Thana- SISWAN District- Siwan

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Amrendra Kumar Tiwari @ Amrendra Tiwari S/o- Akshayabar Tiwari R/v- Noniapatti Ps- Siswan Dist- Siwan

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Amritanshu Raj, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 04-11-2026 Heard learned counsel for the petitioner and learned APP for the State.

02. In the present case, the petitioner seeks bail in connection with Siswan P.S. Case No. 123 of 2026 registered for the alleged offences under Sections 126(2), 115(2), 109, 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the petitioner and other co-accused persons assaulted the husband and the brother-in-law of the informant with spade, *tangi* and rod etc. and taking them to be dead left them on the road. They also threatened the informant to do away with the life of her son. The co-accused Akshayabar Tiwary again hit the husband and the brother-in-law of the informant with *tangi* and rod. A number of injuries were

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caused to the husband and the brother-in-law of the informant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is land dispute between the parties who are close agnates and in order to grab the land of the petitioner, this false case has been lodged. There is no independent eye witness to the occurrence. The FIR has been instituted after delay of 36 hours and the said delay is unexplained. In fact, the informant has made all the family members of the petitioner accused in this case. The petitioner was not even present at the place of occurrence, still, he has been made accused. One of the co-accused, namely Rajiv Kumar Tiwary @ Amarjeet Tiwary, has been exonerated by the police after investigation and this shows the falsity of allegation of the informant. The petitioner is having antecedent of two cases and is in custody since 05.07.2026. Charge-sheet has been submitted. Similarly placed co-accused, Akshayabar Tiwary, has been granted bail by a learned Co-ordinate Bench vide order dated 26.10.2026 passed in Criminal Misc. No. 62688 of 2026.

05. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that there is allegation against the petitioner duly supported with injury

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reports of the victims as six injuries have been found upon the husband of the informant whereas two injuries were found on the brother-in-law of the informant and most of the injuries are grievous in nature.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the non-serious nature of allegation against the petitioner and also considering the grant of bail to co-accused and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to 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 learned Additional Chief Judicial Magistrate-VII, Siwan/court concerned in connection with Siswan P.S. Case No. 123 of 2026, subject to the conditions mentioned in Section 480(3) of BNSS and the 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.

(iii) In case of absence on three consecutive dates

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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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