

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43498 of 2025

Arising Out of PS. Case No.-295 Year-2024 Thana- NAWANAGAR District- Buxar

Saroj Kumar Ojha @ Saroj Ojha S/o Late Raghu Nath Ojha Resident of
village- Ojha Baraon, P.O.- Ojha Baraon, P.S.- Murar, District- Buxar, Pin
Code- 802115 (Bihar). Petitioner/s

Versus

The State of Bihar. Opposite Party/s

WITH
CRIMINAL MISCELLANEOUS No. 67233 of 2025

Arising Out of PS. Case No.-295 Year-2024 Thana- NAWANAGAR District- Buxar

Sunil Tiwari @ Sunil Kumar Tiwari S/o Late Indra Shekhar Tiwari R/o
Village - Kesath, P.O - Kesath, P.S - Navanagar, District - Buxar (Bihar)
... .. Petitioner.

Versus

The State of Bihar. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 43498 of 2025)

For the Petitioner/s : Mr. Gajendra Nath Ojha, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 67233 of 2025)

For the Petitioner/s : Mr. Gajendra Nath Ojha, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

For the Informant : Mr. Uma Shankar Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 18-02-2026 As both the cases arise out of the same police station

case number, hence, with consent of the parties, they have been

heard together for final disposal at this stage itself.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 61(2), 103(1), 351(2) (3)
and 3(5) of the B.N.S. and Section 27 of the Arms Act.

3. As per the prosecution case, both these
petitioners came armed with pistol and petitioner, Sunil Tiwari
alias Sunil Kumar Tiwari fired at the son of the informant



indiscriminately due to which he fell down and lastly succumbed to his injury.

4. It is submitted by learned counsel for the petitioners that both the parties to the litigation are related to each other and there is admitted land dispute between them. It is further submitted that there is counter case filed by the co-accused. The occurrence is said to have taken place on 30.10.2024 and the inquest report was prepared on the same day, while the F.I.R. was registered on 01.11.2024. Further, as far as the petitioner, Saroj Kumar Ojha is concerned, there is no allegation of firing upon him, rather the allegation remains confined to the fact that he was also armed and had threatened. It is further submitted that the other co-accused persons upon whom the allegation was of threatening have already been granted bail by this Court and also by co-ordinate Bench of this Court vide order dated 07.03.2025 and 11.07.2025 passed in Cr. Misc. No.12263 of 2025 and Cr. Misc. No.42938 of 2025 respectively. The petitioner, Saroj Kumar Ojha is in custody since 29.04.2025, whereas petitioner, Sunil Kumar Tiwari is in custody since 29.11.2024.

5. Learned counsel for the informant and learned APP for the State vehemently opposed the grant of bail at least



against the petitioner, Sunil Kumar Tiwari against whom there is direct and specific allegation of firing, which is apparent from the postmortem report, showing four firearm injuries.

6. By order dated 05.12.2025, a report had been called for from the learned Trial Court, which demonstrates that charges have been framed against the petitioner, Sunil Kumar Tiwari on 20.08.2025 and as against the petitioner, Saroj Kumar Ojha on 11.02.2026.

7. Taking into consideration the facts and circumstances of the case and also considering the fact that there is direct and specific allegation of firing against the petitioner, Sunil Tiwari alias Sunil Kumar Tiwari of Cr. Misc. No.67233 of 2025, I am not inclined to release him on bail. Accordingly, the prayer for regular bail of this petitioner is hereby rejected.

8. As far as the petitioner, Saroj Kumar Ojha of Cr. Misc. No.43498 of 2025 is concerned, there is no direct allegation of firing upon him and till date no witness has been examined, as such there is no likelihood that the trial may be concluded in near future, the above named petitioner, Saroj Kumar Ojha alias Saroj Ojha is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned Court below where the case is pending/successor Court in connection with Navanagar P.S. Case No.295 of 2024, subject to the conditions that the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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