**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.79363 of 2026**

**CNR No. BRHC011126782026**

Arising Out of PS. Case No.-194 Year-2026 Thana- DUMARIAGHAT District- East Champaran

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Niraj Tiwari @ Niraj Tiwary @ Niraj Kumar Tiwari S/o Late Birendra Tiwari Resident of Village - Sariya Baduraha, P.S. - Dumariyaghat, District - East Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Madhurendra Kumar, Adv.
For the Opposite Party/s : Mr. Surendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH**

ORAL ORDER

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

2. This is an application for regular bail to the petitioner who has been made accused in connection with Dumariyaghat P.S. Case No. 194 of 2026 registered for the offences punishable under Sections 111(3) & 61(2) of the BNS and under Sections 25(1-b)a, 36 & 35 of the Arms Act.

3. As per the prosecution case, there is recovery of one country made pistol and five live cartridges.

4. Learned counsel for the petitioner submits that petitioner is quite innocent, has committed no offence and has falsely been implicated in this case merely on suscpicion. No

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incriminating article has been recovered from the conscious possession of this petitioner rather the recovery was made from an abandoned place. It is submitted that there is a violation of Section 103(4) (6) of the BNSS while making the search and seizure. No offence under Section 111(3) or 61(2) is made out against the petitioner.

5. Further, it is submitted that there was no attempt to commit or facilitate any organized crime. Petitioner has three criminal antecedents and is languishing in judicial custody since 19.06.2026. Co-accused, namely, Chhotu Singh and Kundan Thakur have been granted bail by different Co-ordinate Benches of this Hon'ble Court vide order dated 14.10.2026 passed in Cr. Misc. No.72056 of 2026 and vide order dated 26.10.2026 passed in Cr. Misc. No. 63440 of 2026 respectively.

6. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, the period of custody as also taking into consideration the materials available on record, let the petitioner, above named, 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 Judicial

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Magistrate First Class, East Champaran, Motihari/concerned court in connection with Dumariyaghat P.S. Case No. 194 of 2026, subject to following conditions:-

(i) one of the bailors should be the family member/close relative of the petitioner.

(ii) the petitioner shall co-operate in trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the court, he should physically appear in the court on that date.

(iii) if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Kumar Manish, J)**

Abhishek/-

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