

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77879 of 2025

Arising Out of PS. Case No.-568 Year-2025 Thana- SIWAN CITY District- Siwan

1. Tarkeshwar Rai S/O Late Rameshwar Rai R/o Village- Rampur Kothi, Digad, P.S.- Bhagwanpur, District- Siwan
2. Meena Devi W/O Tarkeshwar Rai R/o Village- Rampur Kothi, Digad, P.S.- Bhagwanpur, District- Siwan
3. Sachin Kumar @ Dandan @ Sachin Kumar Ghanghan S/o Tarkeshwar Rai R/o Village- Rampur Kothi, Digad, P.S.- Bhagwanpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Anjani Parashar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 21-01-2026 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the O.P. No. 2.

2. Petitioners apprehend their arrest in connection with Siwan (Town) P.S. Case No. 568 of 2016 registered for the offences under Sections 191(2), 190, 329(3), 115(2), 109 of the B.N.S and under Section 27 of the Arms Act.

3. As per the prosecution case, the informant has alleged that altogether ten people, all variously armed, surrounded the house of the informant and fired. It is further alleged that the two co-accused, namely, Rohit @ Madan and Rajiv Kumar, fired from their pistol, as told by the husband of



the informant.

4. Learned counsel for the petitioners submit that from mere perusal of the F.I.R., it would be evident that the specific allegation of firing is upon two persons, namely Rohit @ Madan and Rajiv Kumar. However, from perusal of the injury report, it would be evident that the injured has sustained only one firearm injury of entry and there is another wound that is exit wound charged margin on right side of upper abdomen, to show that one firearm injury has been sustained by him. It is further submitted that there is no specific allegation against the petitioners herein and in fact, implication of petitioner no. 2 is the case of over-implication in the present case, who has no concern whatsoever with the alleged incident. It has further been submitted that the petitioners carry clean antecedents.

5. Learned APP for the State as well as the learned counsel for the O.P. No. 2 have vehemently opposed the prayer for anticipatory bail and submitted that the petitioners had come variously armed and they had tried to kill the husband of the informant.

6. Considering the aforesaid submission, facts and circumstances of the case, let the petitioners above named be released on anticipatory bail, in the event of arrest or surrender



before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) each 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 Siwan (Town) P.S. Case No. 568 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) One of the bailors of the petitioners shall be their close relative.
- (ii) The petitioners shall remain physically present in the Court on each date of the trial.
- (iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.
- (iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.
- (v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at



any stage it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the present application stands disposed of.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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