

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82832 of 2025

Arising Out of PS. Case No.-153 Year-2025 Thana- SISWAN District- Siwan

Jagdish Yadav Son of Giradhari Yadav R/o Village- Suwahi Noniapatti, P.S.-
Siswan, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mr.Md. Ataur Rahman, APP
For the informant	:	Mr. Prabhakar Singh, Advocate
	:	Mr.Sumit Kumar, Advocate
	:	Mr. B.N.Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-01-2026 Heard Mr.Ajay Kumar Tiwary, learned counsel for the petitioner, Mr. Prabhakar Singh, learned counsel for the informant and Mr.Md. Ataur Rahman, learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since 31.07.2025 in connection with Siswan P.S. Case No. 153 of 2025, F.I.R. dated 08.05.2025 registered for the offence punishable under Sections 103 and 3(5) of BNS,2023 and Section 27 of the Arms Act.

3. As per FIR, allegation against co-accused persons, namely, Banti Tiwary @ Anish Tiwari and Abhishek Pandey is that they fired which hit on the chest of the father of the



informant, who fell down. The informant brought his father at Referral Hospital, Siswan where the Doctor declared him dead. The petitioner was only the member of the unlawful assembly.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. From a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 07.05.2025 but the present FIR has been instituted on 08.05.2025 after delay of one day without giving any explanation of delay. From a bare perusal of the FIR it appears that the FIR is in two parts. In 1st part, there is specific allegation of firing attributed against co-accused persons, namely, Banti Tiwary @ Anish Tiwari and Abhishek Pande in the FIR and in 2nd part, there is general and omnibus allegation against all the accused persons including the petitioner that they have also fired upon the victim and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 31.07.2025.

5. Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner.



6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation of firing attributed against the petitioner in the FIR rather there is general and omnibus allegation against the petitioner in the FIR, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VII, Siwan in connection with Siswan P.S. Case No. 153 of 2025, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, 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.

(Rajesh Kumar Verma, J)

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