

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87667 of 2025

Arising Out of PS. Case No.-292 Year-2025 Thana- BAIKUNTHPUR District- Gopalganj

Madho Tiwari S/o Late Dharamdeo Tiwari @ Dharmdev Tiwari RO Village-
Shankarpur, PS- Baikunthpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Chandra Gandhi, Advocate
	:	Mr. Himanshu Ranjan, Advocate
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-01-2026 Heard Mr. Manish Chandra Gandhi, learned
counsel for the petitioner as well as Mr. Uma Shankar Prasad
Singh, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
07.10.2025 in connection with Baikunthpur P.S. Case No. 292
of 2025, F.I.R. dated 13.08.2025 for the offences punishable
under Sections 115(2), 117(2), 118(1), 109(1), 126(2), 127(2),
351(3), 352 read with Section 3(5) of the Bharatiya Nyay
Sanhita, 2023.

3. According to prosecution case, the informant
alleged that the petitioners and other co-accused persons who
were armed with farsa, sword, rod, bhala, lathi-danda, came to
his house and assaulted the informant and his family members
causing number of injuries to them.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. Although the petitioner is named in the FIR but from bare perusal of the FIR it appears that there is no specific allegation of assault or overt act against him rather specific allegation of assault is attributed against co-accused persons, namely, Sunil Tiwari, Hemant Tiwari, Vikas Tiwari, Sanjeet Tiwari and Balindra Tiwari and there is case and counter case between the parties. He further submits that the police after investigation submitted the charge sheet and the petitioner is in custody since 07.10.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matter.

6. Considering the aforesaid facts and circumstances, there is no specific allegation of assault or overt act against the petitioner, 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 the learned



Judicial Magistrate-1st Class, Gopalganj in connection with Baikunthpur P.S. Case No. 292 of 2025, subject to 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 absence on two consecutive dates without sufficient reason, his 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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