

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90894 of 2025

Arising Out of PS. Case No.-459 Year-2025 Thana- PANCHRUKHI District- Siwan

Sarwan Tiwari @ Dashrath Tiwari Son of Dashrath Tiwari Resident of Village
- Bharatpura, Police Station - G.B. Nagar (Tarwara), District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-04-2026 Heard Mr.Raghav Prasad, learned counsel for the
petitioner and Mr.Anil Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
14.10.2025 in connection with Pachrukhi P.S.Case No.459 of
2025, F.I.R. dated 13.10.2025 registered for the offence
punishable under Sections 25(1-B)(i),26,35 of the Arms Act.

3. Recovery is of two live cartridges and one mobile
phone from possession of the petitioner.

4. Learned counsel appearing for the petitioner
submits that from a bare perusal of the FIR it appears that two
live cartridges and one mobile phone were recovered from
possession of the petitioner. Further submits that as per FIR the
recovery has been made from possession of the petitioner but
there is non-compliance of Sections 103 and 105 of the BNSS,



2023 and the police personnel are seizure list witnesses and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.10.2025.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the recovery has been made from possession of the petitioner apart from that, the petitioner carries three more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, 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.-IX, Siwan in connection with Pachrukhi P.S.Case No.459 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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