IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No.457 of 2026

Mithlesh Tiwari, aged about 33 years, Son of Luxmi Narayan Tiwari, resident of Village Kathwara, P.O. & P.S. Pirtand, District Giridih, Jharkhand **…. …. Appellant(s)**

-Versus-

1. The State of Jharkhand
2. Nemiya Devi, wife of late Lakhan Rajwar, aged about 45 years, resident of Kathwara, P.O. & P.S. Paritand, Giridih, Jharkhand

…. …. Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Rishav Kumar, Advocate
: Mrs. Puja Agarwal, Adv.
[Through JHCLSC]
For the State : Mr. Shree Prakash Jha, A.P.P
For the Respondent No.2 : Mr. Sudhanshu Shekhar, Adv.

09/Dated: 02nd November, 2026

1. Heard the parties.

2. The present appeal has been filed against the impugned order dated 17.11.2025 passed in M.C.A No.2290 of 2025 by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Giridih in connection with Pirtand P.S. Case No.16 of 2025, registered for the offence under Section 103(1) of the B.N.S, 2023 and Sections 3(2)(va) & 3 (i)(r)(s) of the SC/ST (PoA) Act. The case is now pending in the court of the learned Additional Sessions Judge-1-cum-Special Judge, Giridih.

3. It has been submitted by the learned counsel for the appellant that no deadly weapon was used in the alleged crime, it was merely use of the hand and the death has occurred after two days of the alleged incident. During that period, the victim was at her home. The charge has been framed on 03.11.2025 and the case is presently at the stage of evidence. It has further been submitted that the appellant is in custody since 01.06.2025 and he undertakes to participate in the trial. On the above basis, prayer for bail has been made.

4. Learned counsel for the State and learned for the respondent No.2 have opposed the prayer for bail by stating that the death has occurred due to the injury caused by this appellant.

5. Having heard the learned counsel for the parties and from perusal of the records, it appears that no deadly weapon has been used in the alleged crime. At best, it may be a case of Section 304 Part II of the IPC.

6. Considering the above facts and the period of custody, the appellant named above, is directed to be released on bail, on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, Giridih in connection with Pirtand P.S. Case No.16 of 2025, *subject to the condition that the appellant will submit self-attested photocopy of his Aadhaar Card and also submit his mobile number before the learned trial court which he shall always keep active and will not change it during pendency of this case without prior permission of the court*.

7. In the result, the instant criminal appeal stands allowed and accordingly disposed of.

8. However, any observation made in the present criminal appeal is for the purpose of bail of the appellant only.

(Rajesh Kumar, J.)

Dated: **02nd November, 2026**
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