

IN THE COURT OF THE DISTRICT AND ADDITIONAL SESSIONS JUDGE-1ST-CUM-
SPECIAL JUDGE (SC/ST, CHILDREN & NDPS ACT)
AURANGABAD (BIHAR)
BAIL APPLICATION NO. 670/2026
GOH PS CASE NO: 112/2026
Present:- Vishwa Vibhuti Gupta

Brajesh Tiwari & Ors.	Petitioners
State of Bihar	Prosecution
Ld. Counsel for the petitioners :-	Shri Anil Kumar Chaubey, Ld. Adv.
Ld. Counsel for the State:-	Shri Ram Naresh Prasad, Ld. APP

Order with signature of the Court

Dated 01.06.2026	A surrender-cum bail petition has been filed on behalf of the accused-petitioners namely 1. Brajesh Tiwari, 2. Mohan Tiwari @ Chandresh Tiwari, 3. Mantu Dubey, 4. Aalok Tiwari, 5. Vishnu Tiwari, and 6. Premchand Tiwari, who apprehend their arrest in connection with Goh P.S. Case No. 112/2026 dated 03.05.2026 registered U/ss-223.329(3),351(2),352,3(5) of the BNS and Section 3(i)(r), 3(i)(s), 3(i)(f) of the SC/ST Act. A copy of the same has already been served upon Ld. APP for the State. The informant has been noticed by the Ld. APP for the State but he did not appear in the court. Upon hearing the matter was heard. The Ld. Advocate for the petitioners has submitted that petitioners are quite innocent and have committed no offence as alleged in the F.IR. No any bail petition has earlier been filed on behalf of the accused-petitioners either before this court or any court of law. He further submitted that earlier the accused Alok Tiwari, Vishnu Tiwari, Premchand Tiwari and Mohan Tiwari @ Chandresh Tiwari are accused in Goh PS Case No. 117/2025 under the SC/ST Act, except that no other criminal antecedent against them up till now and so far the the accused-petitioners Brajesh Tiwari and Mantu Dubey are concern they have no criminal antecedent to their credit up till now. He further submitted that the informant is habitual to brought the false case against the petitioners because of land dispute. He further submitted that the petitioners Brajesh Tiwari, Alok Tiwari and Mohan @ Chandresh Tiwari are practicing lawyers at Aurangabad, Civil Court and on that day they are at Aurangabad at their residence because they are permanent residence at Aurangabad. So far the petitioners Vishnu Tiwari and Premchandra Tiwari are concern they are old and infirm persons but they are made accused in this case. So far petitioner Mantu Dubey is concern he is well wishers of other accused for which he has also been made accused in this case. He further submitted that criminal antecedents of all petitioners are concern which is Goh PS Case No. 117/2025 the said case was also brought by the present informant and all the accused persons of that case on bail granted by this court. The informant became furious after obtaining the bail in previous case because of that he has brought false case after concocted the false story. So far the disputed land is concern i.e. Khatiyani land which are belonging to Late Sitaram Tiwari who is father of accused Vishnu Tiwari and Premchandra Tiwari. He further submitted that Title Suit No. 161/1983/10/1987 is concern which was decided in favour of petitioner not only this the Execution Case No. 02/2002 was going on in between the parties and in this case the possession was delivered in favour of the petitioners. The informant has no any concern with the disputed land but he wants to grant the land by dint of force as well as brought the false case. The petitioners are ready to abide by the terms and conditions of bail. Hence, prayed to enlarge the petitioners on anticipatory bail.
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<u>Dated</u> <u>01.06.2026</u>	On the other hand, the Ld. Add. P.P. appearing on behalf of the state has strongly objected to the plea taken by the petitioners and prayed to reject the bail petition. I have heard the Ld. Advocates of both the parties and perused the bail application; FIR; Case diary, and other documents available on the judicial record. On perusal of the FIR it transpires that the allegation against the accused-petitioners is that all the accused persons including the petitioners got Khata No. 607, Plot no. 2750, area 30ft. long and 14 ft. 3" wide measured by a private Amin in is land and made a boundary with iron angles and wire. When the informant objected, the accused persons abused taking caste slurs and threatened to kill. At present the Second Appeal Case No. 181/2001 is pending in the Hon'ble High Court, Patna . Title Suit No. 16/1983 was filed by Sitaram Tiwari which has been dismissed. Further, it is alleged that during the case on 01.02.2026 and 03.02.202, when the accused persons were forbade they abused the informant taking his caste name. From perusal of the FIR, it appears that the occurrence took place on 01.02.2026 and the FIR has been registered by the informant on 03.05.2026 after inordinate delay of more than three months and regarding the delay in lodging the FIR no any explanation has been given by the informant. Further, on perusal of the case record, it transpires that there is no specific allegation of abuse or overt act has been made out against the petitioners. Moreover, Second Appeal Case No. 181/2001 is pending in the Hon'ble High Court, Patna between the parties. This is <i>prima-fecie</i> a civil dispute of land and it seems that no criminal overt act has been done by the accused-petitioners. The petitioners have voluntarily surrendered in the court. Heard both the parties and perused the case record. The present petitioner has voluntarily surrendered before the Court. The entire facts and circumstance of the case, the present petitioners are enlarged on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) with one surety of the like amount each to the satisfaction of the Ld. Trial Court. Accordingly, the prayer for regular bail of the abovenamed accused-petitioners is allowed. Dictated (Vishwa Vibhuti Gupta) District & Additional Sessions Judge-1st-cum- Special Judge (SC/ST, NDPS & Children Act) Aurangabad, Bihar Dated : 01.06.2026	
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<u>Dated</u> <u>10.10.2025</u>		
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