

In The Court of Dist. & Addl. Sessions Judge-VIII,**East Champaran, Motihari****B.P. No.751/2026****(Arising out of Pakaridyal P.S. Case No.575/2025)****U/s- 126(2), 115(2), 76, 125(a), 329(4), 109(1), 303(2), 352, 351(2)/3(5) of B.N.S.**

Present:- Swami Nandan Prasad Singh
Dist. & Addl. Sessions Judge-VIII
East Champaran, Motihari.

**Arun Tiwari, age about 61 years, S/o-Shambhu Tiwari, R/o village-
 Tharbitiya, P.S. Pakridayal, Dist-East Champaran.**

.....Petitioner/ Applicant

State of Bihar **Versus**
Date of order 02.04.2026

.....Opposite Party

Present:

Ld. Counsel for the petitioner -Sri Ankit Kashyap.
 Ld. A.P.P. for state/O.P.-Sri Ishwar Chand Dubey.

ORDER

1. An application for grant of regular bail petition has been filed on behalf of the petitioner namely Arun Tiwari. In connection with Pakaridayal P.S. Case No.575/25, registered U/s- 126(2), 115(2), 76, 125(a), 329(4), 109(1), 303(2), 352, 351(2)/3(5) of B.N.S.

2. Heard the Ld. Counsel on behalf of the petitioner as well as Ld.A.P.P. on behalf of the prosecution on regular bail petition under consideration.

3. As per the FIR, the prosecution case in brief, is that informant namely Sugandhi Devi, W/O Manjay Tiwari, is resident of Village Tharbitiya, P.S. Pakaridayal, Dist East Champaran. On dated 27.12.2025 due to previous enmity persons namely 1. Ratnesh Tiwari @ Ganesh Tiwari, 2. Brajesh Tiwari @ Chotan Tiwari, both S/O Arun Tiwari, 3. Arun Tiwari, S/O Late Sambhu Tiwari, 4. Nitesh Tiwari, 5. Akshay Kumar Tiwari, 6. Aman Tiwari, thrice S/O Pramod Tiwari, 7. Pramod Tiwari, S/O Late Sambhu Tiwari, 8. Kusum Devi, W/O Arun Tiwari, 9. Sangita Devi, W/O Pramod Tiwari. All R/O-Village Tharbitiya, P.S. Pakaridayal, Dist East Champaran All with one unity started marpit with her and with her Sister in law and also torn their clothes, Ratnesh Tiwari hit with leg on Mala Devi' stomach for which she got internal injury and bleeding started from her private part. Informant brother in law came to rescue her then Brajesh Tiwari hit on his head to kill for which his head got cut and Kusum Devi snatched her mangalsutra and Sangita Devi snatched earrings and they started theratend them. Then nearby came to rescue them.

4. Ld. Counsel on behalf of the petitioner submits that petitioner has not filed anticipatory or regular bail petition before the Ld.Dist.&Sessions Judge, Motihari and Hon'ble High Court Patna. He further submits that earlier Tr. No. 17/2025 P.S. Pakridayal, u/s 147, 341, 323, 324, 447, 504 was lodged against the petitioner and the petitioner is in judicial custody since 22.02.2026. He further submits that the petitioner has no concern with alleged occurrence and the petitioner was arrested by the police and there is no recovery of any articles. He further submits that the petitioner is old person.

5. Ld. A.P.P. appearing on behalf of the state has opposed the prayer for regular bail of petitioner on the basis of the material available in the case record. Ld.Addl.P.P further submits that there are ample material available on case record which shows the involvement of petitorner in the present case. He further submits

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that as per injury report of the injured person are simple in nature. He further submits that there is no criminal history is mentioned against this petitioner in case diary and matter is still pending for investigation.

6. Heard both sides & perused the case record. From perusal of case record, it appears that petitioner is named in the F.I.R. and as per fard beyan this petitioner was member of the mob and entered in the house of informant and further ordered to fire the house of informant and also committed marpit with informant and others. From perusal of entire case record, it is evident that the I.O in course of investigation has recorded the statement of witnesses as mentioned in Paras 2, 6, 7, 31, 32 of the case diary and further from the perusal of statement of the witnesses it transpires that this petitioner has not inflicted iron rod blow to the injured and further it also appears that this petitioner has not committed marpit with the injured as well as the informant. As per perusal of injury report which is available in the case diary it transpires that all the injuries are in simple in nature. Further from the perusal of entire case record it appears that the allegation against this petitioner is general and omnibus and the petitioner is in judicial custody since 22.02.2026.

7. Considering the entire materials on record and the period of custody of the petitioner, the bail petition filed on behalf of the petitioner namely **Arun Tiwari** is hereby, **allowed**. Accordingly, it is ordered that the petitioner to be released on bail on furnishing bail bond of rupees ten thousand (10,000/-) with two sureties of the like amount each to the satisfaction of the Ld. Court Concerned Motihari, East Champaran with subject to following conditions:- (i) petitioner shall not commit similar offence in future, (ii) petitioner shall fully cooperate in the investigation of the case, (iii) Petitioner shall not induce, threat or promise to any witness acquainted with the facts and circumstances of the case, (iv) Petitioner shall fully cooperate in trial of the case and shall appear before the court on each and every date fix till framing of charge.

Dictated

Sd/-

Dist.&Addl. Sessions Judge-8th
Motihari, East Champaran.