

In the Court of Sessions Judge, Vaishali

B.P. No. 635/2026

Avinash Tiwari @ Avinash Kumar aged about 20 years S/o Manohar Tiwari
Residents of village – Hathsarganj, P.S. - Hajipur Town, District – Vaishali.

: - Petitioner

Versus

State of Bihar

: -

O.P.

Appearance :-

Learned counsel for the petitioners : - Sri Sunny Kumar, Advocate

Learned P.P. for the State : Sri Shyam Babu Rai, P.P.

Present : Harshit Singh,
Sessions Judge, Vaishali.

Date of order : 22nd. May 2026

The regular bail petition of the above named accused petitioners has been filed u/s 483 of B.N.S.S., who are in judicial custody since 30.04.2026 in connection with Hajipur Town P.S. Case No. 1408/2025 for the offences u/ss. 25(1-b)a, 26 & 35 of Arms Act.

Heard the learned counsel for the accused petitioner and learned Public Prosecutor for the State and perused the record.

It is stated in Para 2 of the bail petition that earlier anticipatory bail petition was rejected by this court vide A.B.P. No. 931/2026. No other petition for bail either regular or anticipatory has been moved on behalf of the petitioners before this court or before the Hon'ble High Court, Patna.

The prosecution case in brief, as per self statement of the informant Sikandar Kumar, S.H.O. of Town P.S. is that on 02.12.2025 he alongwith police team was doing vehicle checking in Bagmali near temple and during vehicle checking three persons riding on a Scooty were coming from Anjanpir but despite giving signal to stop the Scooty, they started fleeing turning the scooty due to which scooty became unbalanced and all three persons fell down on the road and became injured. One person succeeded to flee away but two persons have been apprehended with the help of police force, who disclosed their name as Deo Kumar and Vikash Kumar. They also disclosed the name of the person who escaped away as **Avinash Tiwari**. On search, from the possession of apprehended accused Vikash Kumar one live cartridge was recovered and from the possession of

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apprehended accused Deo Kumar one country made pistol and three live cartridges were recovered. On demand of paper, they did not produce any paper of recovered arms and ammunitions. On interrogation, Deo Kumar disclosed that the said Scooty belongs to his brother Sonu. Thereafter seizure list was prepared and the apprehended both accused persons were arrested by the police.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The entire prosecution case is false and concocted. He has falsely been implicated in this case. Petitioner was not in company with other accused on the alleged date of occurrence. The alleged recovery is said to have made from the possession of the co-accused. No case under Arms Act is made out against the petitioner. The name of the petitioner surfaced in this case on the basis of the statement of apprehended accused persons. The accused petitioner has criminal antecedent one other case. Petitioner is in judicial custody since 30.04.2026. The co-accused who were apprehended with arms and ammunitions on the spot have already been granted regular bail by this court vide B.P. No. 1804/2025 and B.P. No. 70/2026. Hence, prayer has been made for bail.

Learned Public Prosecutor opposed the prayer for bail.

Heard the parties. Perused the trial court record and original case diary as well as supplementary case diary written up to Para 55 of the case diary dated 30.04.2026. From perusal of the trial court record and original case diary as well as supplementary case diary, it appears that petitioner alongwith two co-accused persons were going on a Scooty from Anjanpur but during vehicle checking by the police, they started to flee away by turning the said Scooty but two accused persons Deo Kumar and Vikash Kumar were apprehended by the police on the spot from whose possession arms and ammunitions were recovered and the petitioner succeeded to flee away. The apprehended said accused persons disclosed the name of the petitioner as escapee.

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Petitioner was not arrested on the spot. Para 39 & 40 of the supplementary case diary, shows that the petitioner has been arrested on 30.04.2026 from Hathsarganj and nothing has been recovered from his possession. Petitioner has criminal antecedent of one more case and he is in judicial custody in this case since 30.04.2026. The charge-sheet has been submitted against the co-accused persons namely Deo Kumar and Vikash Kumar. The investigation against the petitioner is still going on.

Therefore, considering the aforesaid facts, circumstances of the case and nature of the allegations as well as detention period of the petitioner, his prayer for regular bail is allowed and accordingly, the above named accused petitioner is directed to be released on bail, on furnishing bail bond of Rs.10,000/- with two sureties of the like amount to the satisfaction of the learned court below, subject to the **further conditions that :**

(i) The petitioner will not indulge in any kind of such offence and shall appear and report to S.H.O. of concern police station on first week of the every month for a period of one year regarding his activity after being released from custody.

(ii) The petitioner will not delay the disposal of trial in any manner what so ever and will remain physically present for framing of charge and at the stage of recording of statement under section 351 of B.N.S.S.

(iii) The petitioner would not repeat similar type of offence in future.

In case of breach of any of the aforesaid conditions, learned Court concern will be at liberty to cancel the bail and send the petitioner to prison.

Before accepting the bail bonds of the petitioner, the learned Trial Court is requested to ensure that a copy of this order be sent to the S.H.O. of

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concern P.S. with direction that, the concern S.H.O. will inform the learned Court if the petitioner fails to appear before him in any month as specified in aforesaid condition.

However, the bail bonds of the petitioner will be accepted after submission of charge-sheet.

(Dictated)

(Harshit Singh)
Sessions Judge, Vaishali

Date of Order	22.05.2026
Date of Uploading	25.05.2026
Uploaded by	N.K