

BP 923/2026
IN THE COURT OF DISTRICT & ADDL. SESSIONS JUDGE- VIII,
SIWAN

Police Station – Siswan P.S. Case No. 123/2026

Under Section- 126(2),115(2),109,351(2),3(5) of the B.N.S.
Akshaywar Tiwari Vs. State of Bihar

ORDER

The accused is in custody since 05.07.2026

11.08.2026

Ld. Counsel Sri Arvind Kumar Tripathi for the petitioner.

Ld. A.P.P. Sri Sudhama Thakur for the State.

A regular bail petition has been filed on behalf of custody accused person namely **(1) Akshaywar Tiwari, (2) Amarendra Kumar Tiwari**, the copy of which is served upon the ld. P.P.

From perusal of the record, it transpires that the F.I.R was registered against the petitioners and others vide Siswan P.S. Case No. 123/2026, has been instituted on the basis of the written report of the informant, Savitri Devi, under Sections 1126(2),115(2),109,351(2),3(5) of the B.N.S. The allegation against the petitioner, in brief, is that on 04.07.2026 at about 06:30 A.M., while the informant was returning from the field, all the accused persons allegedly assaulted her devar, namely, Anil Tiwari, with an axe, iron rod and other weapons. It is further alleged that accused Ajeet Kumar assaulted the informant's husband on his head with an axe, while accused Akshaywar Tiwari also assaulted her husband and devar with an axe and rod. It is further alleged that thereafter, all the accused persons entered the informant's house and extended threats to her.

Ld. Counsel for the petitioners has submitted that the prosecution story is totally false, concocted and baseless. No bail petition either regular or anticipatory has been filed or pressed either before this Court or before the Hon'ble High Court, Patna earlier. He has further submitted that the petitioner has no criminal antecedents. The petitioners have falsely been implicated in this case. He has further submitted that the informant are close pattidar and the land dispute is going on in between the pattidar. All sections in which the present case has been registered are bailable except Sec. 109 of the B.N.S. There is no chance of his absconding or tampering with the prosecution evidences and he is ready to furnish bail bond of good sureties to the satisfaction of the Court. In such view the ld. Counsel prayed to enlarge the petitioner on bail.

The ld. Addl. PP opposed the bail and has submitted that the petitioner has committed a serious offence. Hence, they do not deserve the benefit of bail. Therefore, the Addl. PP prayed to reject the same.

From the perusal of the case diary as per Para no 61, the injury report of injured person namely (1) Mohan tiwari, it transpires that the doctor found size- **(1) lacerated wound over the right fronto-parietal skull bone measuring 6" × 1" × deep to cranial cavity, with oozing of blood from the site, reddish in colour; (2) contusion involving the whole upper and lower eyelid of the right eye, blackish in colour; (3) contusion over the nose measuring 3" × 2", blackish in colour; (4) abrasion over the right side of the chest measuring 4" × 1", reddish in colour; (5) abrasion over the right side of the abdomen measuring 3" × 2", reddish in colour; and (6) contusion over the left wrist measuring 2" × 2", blackish in colour.**

Opinion of reserved injuries:-

It transpires that there is (1) comminuted and depressed fracture of the wall of the right parietal bone with maximum depression of 7.5 mm, (2) fracture of the right temporal bone, (3) fracture of the right zygomatic arch with soft tissue swelling, (4) comminuted and displaced fracture of the walls of the

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right maxillary sinus with haemosinus, and (5) fracture of the nasal bones and nasal septum. The impression further reveals (6) an extra-dural haemorrhage overlying the right temporo-parietal lobe, (7) few haemorrhagic contusions and sub-arachnoid haemorrhage in the adjacent right fronto-temporal lobe with mild perilesional oedema, (8) lesion causing mass effect in the form of midline shift, (9) scalp swelling with haematoma formation in the right temporo-parietal and right periorbital regions, (10) comminuted and depressed fracture of the wall of the right parietal bone, (11) fracture of the right temporal bone, (12) fracture of the nasal bone and nasal septum, and (13) multiple fracture lines involving the zygomatic arch, lateral orbital wall, inferior orbital rim, posterior and anterior walls of the maxillary sinus with soft tissue swelling, zygo-matico-maxillary complex fracture. Thus, with reference to the aforesaid findings, **injuries Nos. 1, 2 and 3 are grievous in nature** and caused by hard and blunt substance.

and (2) The injury report of injured person namely, Anil Tiwari, it transpires that the doctor found Size **(i) Lacerate wound over right side forehead (approx size 4"×1"×1/2") reddish in colour.** (ii) Contusion over root of nose of Size 3"×2" blackish colour.

Opinion of reserved injuries:-

It transpires that there is (1) Com-minuted and minimally depressed fracture of Parito Occipital bones involving Lamboid suture, Impression: no evidence of brain parenchymal pathology or space occupying lesion is seen. Scalp swelling with hematoma seen in parito occipital region. Thus, the injury sustained by the injured persons appears to be **injury no. 01 is grievous in nature** and injury no. 02 is simple in nature and caused by hard and blunt substance. Thus, injury report also corroborates the occurrence. As per Para No. 64 of the case diary, it transpires that petitioner Nos. 1 and 2 have three criminal antecedents each.

Heard learned counsel for the petitioner as well as learned A.P.P. for the State. Perused the materials available on record, on perusal of the case diary, it appears that the statements of the witnesses recorded in Paragraph Nos. 02, 03, 09, 10, 37 and 38 support the prosecution case. Further, this Court finds that the allegation against the petitioners is of inflicting repeated blows upon the injured persons. As regards injured Mohan Tiwari, he has sustained multiple injuries on vital parts of the body, including the head, nose and abdomen, out of which three injuries have been opined to be grievous in nature and injured Anil Tiwari, the injury sustained by him has also been opined to be grievous in nature and is on a vital part of the body. Further, it transpires that petitioner Nos. 1 and 2 have three criminal antecedents each.

Considering the grievous injuries caused to both the injured persons and the manner of assault alleged against the petitioners and their criminal antecedents, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the bail petition filed on behalf of the custody accused, namely, **(1) Akshaywar Tiwari, (2) Amarendra Kumar Tiwari, is hereby Rejected.**

(Dictated)

Sd/-

(Ashish Mishra)

D.A.S.J.-VIII, Siwan