IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48662 of 2026

Arising Out of PS. Case No.-190 Year-2025 Thana- CHANDI District- Bhojpur

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Vishal Kumar Tiwary S/O Late Pashupati Nath Tiwary Resident of Village- Bhagwatpur, P.S- Chandi, District- Bhojpur. ... ... Petitioner/s

Versus

The State of Bihar ... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Saket Tiwary, Adv.
For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

3 21-08-2026 Heard learned counsel for the petitioner and the learned APP for the State.

2. The petitioner is in custody in connection with Chandi P.S. Case No. 190 of 2025, registered under Sections 103(1) of the BNS.

3. As per allegation in the F.I.R., on the intervening night of 19.12.2025, the informant and her husband were sleeping at their house. While the informant was sleeping inside the room, her husband was sleeping on a cot in the drawing hall outside the room. At about 3:00 A.M., when the informant woke up, she noticed that her husband's hand was hanging from the cot. On attempting to wake him, he did not respond. Thereafter, she approached a nearby doctor seeking medical assistance, however, the doctor could not attend to her as it was late at night. She then informed her neighbour, that her husband was not responding. Subsequently, when she returned to the house

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along with neighbour, she found that her husband had been murdered by cutting his throat with a sharp-edged weapon. The informant stated that her husband had no dispute or enmity with anyone and that she did not suspect any particular person. She expressed her belief that some unknown person had entered the house and murdered her husband by cutting his throat.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in the present case and has no connection with the alleged occurrence. It is further submitted that there is no direct or independent witness to implicate the petitioner and that he has been arrested during the course of investigation merely on the basis of suspicion. The petitioner has not been named in the F.I.R. and the charge-sheet has already been submitted in the present case. It is further submitted that no incriminating material has been recovered from the possession of the petitioner and that his implication in the present case is based solely upon the alleged confessional statement of co-accused Md. Jishan, which is stated to have been recorded while he was in police custody. Learned counsel further submits that the petitioner has been in custody since 25.12.2025 and has clean antecedent. Therefore, the petitioner deserves the privilege of

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regular bail.

5. Per contra, learned A.P.P. appearing for the State vehemently opposes the prayer for grant of bail to the petitioner and submits that the injury sustained by the deceased on his throat has been opined by the doctor to be grievous in nature and caused by a sharp-edged weapon. It is further submitted that, during the course of investigation, it has come on record that the petitioner had also sustained an injury on the same day and a sharp-edged weapon was allegedly found on the palm of the petitioner. Learned A.P.P. further submits that the petitioner is the son of the deceased and is alleged to be involved in the killing of his own father, which is a grave and serious offence. It is also submitted that, as reflected from paragraph no. 49 of the case diary, the petitioner has allegedly confessed that he, along with co-accused Jishan Ahmed, committed the murder of his father. It is, therefore, contended that, considering the nature and gravity of the alleged offence and the materials collected during investigation, the petitioner does not deserve the privilege of bail.

6. Having considered the rival submissions advanced on behalf of the parties and upon perusal of the materials available on record, including the case diary, this Court finds

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that the allegations against the petitioner are grave and serious in nature. The deceased is alleged to have sustained a grievous injury on his throat caused by a sharp-edged weapon. It further appears from the materials collected during investigation that the petitioner had also sustained an injury on the same day and a sharp-edged weapon was allegedly found on his palm. It is also evident from paragraph no. 49 of the case diary that the petitioner is alleged to have confessed to having committed the murder of his father along with co-accused Jishan Ahmed. The petitioner is the son of the deceased and is alleged to have been involved in the commission of the said offence.

7. Considering the nature and gravity of the alleged offence, the materials collected during investigation, the stage of investigation and the apprehension of interference with the course of investigation, this Court is not inclined to extend the privilege of bail to the petitioner at this stage.

8. Accordingly, this Court is not inclined to extend the privilege of regular bail to the petitioner at this stage. The prayer for regular bail is, accordingly, rejected.

(Girijish Kumar, J)

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