

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34408 of 2022

Arising Out of PS. Case No.-7 Year-2015 Thana- CHANDAN District- Banka

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MONU BARNWAL @ NIWAS KUMAR BHARTI @ NIWASH BHARTI
Son of Awadh Kishore Barnwal @ Awadh Bihari Barnwal Resident of Village
- Narganjo, Police Station- Jhajha, District - Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 395 and 364
of the Indian Penal Code in connection with Chandan
(Anandpur O.P.) P.S. Case No. 07 of 2015.

As per the FIR, it is alleged that 10-15 accused
persons barged into the house of the informant and committed
'dacoity' of Rs. 25,000/- beside taking away some gold and
silver ornaments as also mobile phone.

Learned counsel for the petitioner submits that
neither he was part of the said 'dacoity' nor he had any role in it



but has been named on the basis of confessional statement of Sonu Barnwal. Further submission is that he do have criminal antecedent and is in custody since 28.04.2022.

Considering the fact that the petitioner is not named in the FIR and name has come in the confessional statement, he is in custody since 28.04.2022 as also that the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail after framing of the charge.

Let the petitioner be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Chandan (Anandpur O.P.) P.S. Case No. 07 of 2015 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police



station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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