

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44998 of 2021

Arising Out of PS. Case No.-89 Year-2014 Thana- BARUN District- Aurangabad

SAWDHAN KHARWAR Son of Laxman Kharwar Resident of Village-
Gagbor Bigha, P.S.- Barun, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, APP

For the Opposite Party/s : Mr. Yogendra Kumar Singh APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 28-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 395 of the Indian Penal Code and subsequently section 412 of the Indian Penal Code was added.

As per the prosecution case, the accused persons entered the house of the informant tied him and his wife up and after giving threats committed dacoity.

It is submitted by learned counsel for the petitioner that the FIR was registered against unknown. The name of the petitioner transpired in course of investigation in the confessional statement of co-accused Pintu Kharwar and Kukua Kharwar made before police which is inadmissible. No incriminating article has been recovered from his possession. He is in custody since 9.12.2020.

The application for bail is opposed by learned APP for the State. It is submitted that it is a case of the year 2014.



Having heard learned counsel for the parties and taking into the material which has transpired in course of investigation together with the contents of the order of the learned court below and the petitioner having remained in custody for 1 year 3 months, the petitioner is directed to be enlarged on bail in connection with Barun P.S. Case no. 89 of 2014 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad.

It is further directed that the petitioner shall cooperate in the trial and shall remain physically present in the learned trial court on each date of the trial. In case the petitioner is absent on any single date for reasons not to the satisfaction of the learned trial court or is not cooperating in the trial, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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