

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36422 of 2022

Arising Out of PS. Case No.-134 Year-2020 Thana- MAIRWAN District- Siwan

BRAJESH KUMAR BARNWAL SON OF SURESH PRASAD BARNWAL
RESIDENT OF MAIRWA, P.S.- MAIRWA, DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Madhuri Lata, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 27-07-2022 Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry and Prohibition Act.

The allegation against the petitioner who happens to be the husband of the deceased is of having abused and tortured the sister of the informant for non-fulfillment of demand of dowry.

It is submitted by learned counsel for the petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 28.2.2022 (Annexure-1) passed in Cr. Misc. No. 45570 of 2021 giving liberty to the petitioner to renew his prayer for bail after framing of charge. Referring to the order



contained in Annexure-3, it is submitted that charge has been framed against the petitioner in the learned trial court under sections 302/34 of the Indian Penal Code and sections 3/4 of the Dowry Prohibition Act. It is submitted that the petitioner is in custody since 27.1.2021, has no criminal antecedent and undertakes to cooperate in the trial.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, liberty granted to the petitioner by the aforesaid order of rejection dated 28.2.2022, charge having been framed in the case together with the petitioner having remained in custody since 27.1.2021, the petitioner is directed to be enlarged on bail in connection with S.Tr. no. 377 of 2021 (arising out of Mairwa P.S. Case no. 134 of 2020) 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 Additional Sessions Judge IV, Siwan subject to following conditions:

(I) The petitioner shall remain physically present in court on each date of the trial, and,

(II) In case the petitioner remains absent on any date for reasons not to the satisfaction of the learned trial court or in



case the petitioner does not cooperate 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)

Spd/-

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