

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24733 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- DHANSOI District- Buxar

1. Satya Singh @ Satya Kharwar son of Bhandaol Kharwar @ Bhandola Kharwar Village- Videshi tols @ Bideshi Tola, Akodhi Gola Ps- Akodhi gola Dist- Rohtas, Ps- Bikramganj Dist- Rohtas
2. Sukhari Kharwar son of Bhandaol Kharwar @ Bhandola Kharwar Village- Videshi tols @ Bideshi Tola, Akodhi Gola Ps- Akodhi gola Dist- Rohtas, Ps- Bikramganj Dist- Rohtas
3. Gallu Kharwar @ Galu Kharwar son of Ram Pravesh Kharwar Village- Videshi tols @ Bideshi Tola, Akodhi Gola Ps- Akodhi gola Dist- Rohtas, Ps- Bikramganj Dist- Rohtas
4. Nitish Kumar @ Nitish Kharwar son of prem Chand Kharwar Village- Videshi tols @ Bideshi Tola, Akodhi Gola Ps- Akodhi gola Dist- Rohtas, Ps- Bikramganj Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Dhansoi P.S. Case No. 09 of 2024, lodged on 20.01.2024 under
Sections 394, 457 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against 3-4 unknown accused persons who alleged to have
entered into the house of the informant and committed theft.
And those unknown accused persons also assaulted the husband
and mother in law of the informant and taken 16 articles about
which description has been made in the FIR.



4. Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence. Counsel also submits that the present petitioners visited to the house of one Chintu Kumar @ Chintu Kharwar for marriage being *agua*, but they were arrested in this case only by virtue of the confessional statement of Chintu Kumar @ Chintu Kharwar. Counsel further submits that nothing incriminating has been recovered from the possession of the petitioners.

5. Learned counsel for the petitioners submit that the criminal antecedent of the petitioners is clean and they are in custody since 03.02.2024. Counsel also submits that the offence in which the case has been filed is of magisterial triable.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that mobile phone which was subject to theft has been recovered from the possession of one Chintu Kumar @ Chintu Kharwar on whose disclosure the name of present petitioners have been figured in this case.

7. In the present facts and circumstances of this case and the submissions made above, **let the petitioners above named be granted bail, but only six months after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Buxar in connection with Dhansoi P.S. Case No. 09 of 2024, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

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

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners 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 the bail bonds; and

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

(Dr. Anshuman, J.)

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