

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6446 of 2025

Arising Out of PS. Case No.-1026 Year-2022 Thana- KHAGARIA District- Khagaria

1. Sweta Burnwal @ Dr. Sweta Burnwal Wife of Bipin Kumar, Daughter of Mahendra Burnwal Resident of Village - Bagan More, New Shiv Mandir Bandel , P.S - Chin Surah , Dist- Hoogli (West Bengal)
2. Abhishek Kumar @ Abhishek Kumar Burnwal @ A. Barnwal Son of Mahendra Burnwal Resident of Village - Bagan More, New Shiv Mandir Bandel , P.S - Chin Surah , Dist- Hoogli (West Bengal)
3. Mahendra Burnwal @ Mahendra Kumar Burnwal Son of Late Saryug Lal Resident of Village - Bagan More, New Shiv Mandir Bandel , P.S - Chin Surah , Dist- Hoogli (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Khagaria (Chitragupta Nagar) P.S. Case No. 1026 of 2022 dated 30.09.2022, instituted for the offence punishable under Sections 341, 323, 504, 506, 379, 34 of the Indian Penal Code.

3. The prosecution case, in short, is that, on 28.09.2022 at about 05:00 pm, petitioners along with other co-accused persons having formed an unlawful assembly forcibly entered into the house of the informant and started assaulting him and his mother with fits and slaps and thereafter, locked



them in a room. At about 06:30 pm, the younger brother of informant came and unlocked them. It is alleged that accused persons have stolen jewellery worth Rs. 3 lakhs, gold chain of informant's mother, silver utensils and cash of Rs. 60,000/- from the *Almirah*. Accused persons also threatened them of dire consequences.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the present FIR has been lodged by the elder brother of the husband of petitioner no. 1. Petitioner no. 2 is the brother of petitioner no. 1 and petitioner no. 3 is father of petitioner no. 1. It is also submitted that Sweta Burnwal (petitioner no. 1) was married to informant's full brother namely, Bipin Kumar on 25.02.2020. There is allegation against him and his family members that they assaulted her and on 14.03.2021, she was ousted from the matrimonial house. It is further submitted that petitioner no. 1 lodged a case under Section 498(A), 406, 34 of the I.P.C. against the informant and his family members. It is further submitted that petitioner no. 1 has also filed a case under Section 125 Cr.P.C. bearing Misc. Case No. 373 of 2021 against the informant's brother on 12.11.2021 which is also pending for adjudication in the court of



West Bengal. It is also submitted that only to pressurize the petitioners, the instant false case has been lodged against the petitioners. It is next submitted that the I.O. has submitted final form against petitioner no. 1 and 2 but the learned Magistrate has taken cognizance against all the accused persons. Lastly, it has been submitted that the petitioner 2 & 3 have one criminal case against them and petitioner no. 1 has three criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Khagaria (Chitragupta Nagar) P.S. Case No. 1026 of 2022 they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Xth Class, Khagaria, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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