

IN THE COURT OF AMIT KUMAR, ADDL. SESSIONS JUDGE V, JAMUI

----- (B.A. No. 219/2026) -----

Arising out of Charkapathar P.S. Case No. 39/ 2026, District-Jamui

Dhiraj Barnwal & Anr. Vs. State of Bihar

For Petitioner : Ld. Counsel Sri Raj Kumar Pravin.

For The State : Ld. Addl. P. P. Sri. Sanjeev Kumar Singh.

Date of order : 22.04.2026

1. The present regular bail application has been filed on behalf of the accused petitioners namely **1. Dhiraj Barnwal, S/o Munna Barnwal, aged about 35 Years and 2. Kailu Yadav, S/o Late Sukar Yadav, aged about 58 years, both are resident of village Bichachhagarh, P.S.- Charkapathar, District- Jamui** who are languishing in jail custody since 17.03.2026 in connection with Charkapathar P.S. Case No. 39/ 2026 registered under sections 190, 191(2), 191(3), 115(2), 126(2), 76, 324(4), 329(5), 308(5), 308(2), 303(2), 351(2), 352 and 3(5) of the B.N.S.

2. The prosecution case in brief is that informant Sukar Vishwakarma aged about 70 years alleges that he together with his family members after constructing house has been living at his *Kami Sikmi* land for last ten years. Besides him, his gotiya namely Baijnath Vishwakarma, Jamuna Mistri and Dilip Vishwakarma was also residing there and running their respective shops in the same premises. On dated 16.03.2026 at about 02:30 pm, accused persons namely 1. Munna Barnwal, 2. Dhiraj Barnwal, 3. Niraj Barnwal, 4. Kailu Yadav, 5. Umesh Yadav, 6. Ghutar Yadav, 7. Jaddu Thakur, 8. Bipin Thakur, 9. Dilip Vishwakarma, 10. Sandeep Vishwakarma and 11. Prem Vishwakarma, all having armed with weapon came to his house and started abusing. Meanwhile accused Munna Barnwal, Dhiraj Barnwal and Kailu Yadav threatened that if they want to live on the said land they would have to pay ransom of rupees ten lakhs otherwise they would not let them live there. On being objected by the informant and his family members, the accused persons called JCB and get started bulldozing house-cum-shop while the informant and his family members still were inside it. Somehow the informant and his family members rescued themselves. The accused persons bulldozed all the house, shops and thrashed utensils, boxes and looted away valuable jewelry and articles. The accused persons also tried to outrage modesty of informant's daughter-in-law. Meanwhile accused 12. Kalam Ansari, the owner of JCB instructed to bulldoze everything. The informant further states that the video of the occurrence is also available with him. On the basis of above, FIR was registered against the accused persons.

3. Learned counsel for the petitioners submits that petitioners are quite innocent and have committed no offence and falsely been implicated in this case. No other bail application is pending against the petitioners in any court except the present one. Petitioner no. 1 Dhiraj Barnwal has criminal antecedent in one case i.e. Khaira P.S. Case No. 279/2017 registered u/s 30(d)/141 Excise Act, which is pending and petitioner no. 2 has criminal antecedent in three cases i.e. Charkapathar P.S. Case No. 293/2010, Khaira P.S. Case No. 02/2018, and Sono P.S. Case No. 107/2011 and all these three cases has been disposed of. All the alleged sections are bailable except section 76, 308(5) and 308(2) which are not applicable against the petitioners. From perusal of FIR, it appears that there is

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land dispute in between the parties. During the course of hearing, two sale-deeds on behalf of petitioners have been filed claiming the petitioners bonafide purchaser of the land in dispute. Hence, it has been prayed to enlarge the petitioner on bail.

4. On the other hand, learned Addl. P.P. vehemently opposed the prayer for bail.

5. Heard both the parties in detail and perused the record.

6. The FIR has been registered for the offence punishable under sections 190, 191(2), 191(3), 115(2), 126(2), 76, 324(4), 329(5), 308(5), 308(2), 303(2), 351(2), 352 and 3(5) of the B.N.S. Re-statement of the informant is recorded vide para no. 2 and statement of witnesses has been recorded vide para no. 9 and statement of witness has been recorded vide para no. 9, 10, 11 and 13 of the Case diary.

7. Perusal of record reflects that the petitioners are named in the FIR and there is allegation against them that they together with other co-accused persons came at the house-cum-shop of the informant and demanded rupees ten lakhs as ransom otherwise they would not let them live there. On being objected by the informant and his family members, the petitioners together with other co-accused persons called JCB and get started bulldozing the house-cum-shop of the informant. The bulldozing JCB has also been seized by the police. Further, there is allegation of outraging the modesty of informant's daughter-in-law. The witnesses at para no. 9, 10, 11 and 13 have also supported the allegation. During course of hearing Ld. Counsel for defence files the sale deed dated 20.03.2026 vide sale deed no. 1603 executed in favour of one Vijay Mistri to show his possession over the disputed land, however, it is evident from the FIR that the occurrence took place on dated 16.03.2026 which clearly shows that the sale deed was executed after the alleged occurrence. The petitioner Dhiraj Barnwal has criminal antecedent in one case registered under Excise Act. The petitioner Kailu Yadav has criminal antecedents in three cases registered including the sections of attempt to murder and Arms Act in which charge-sheets have been submitted. Investigation in this case is still continued.

8. Considering aforesaid facts and circumstances of the case coupled with seriousness of allegation, this court is of the considered view that this is not a fit case to enlarge the petitioners on regular bail at this stage. Hence, the regular bail application of accused petitioners namely **Dhiraj Barnwal and Kailu Yadav, is hereby dismissed.**

9. Office is directed to send the trial court record, if any, to the court concerned along with the copy of this order.

Dictated

Sd/-

Addl. Sessions Judge - V, Jamui

Copy forwarded to the court concerned

Addl. Sessions Judge - V, Jamui