

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48017 of 2014

Arising Out of PS.Case No. -35 Year- 2014 Thana -ITARHI District- BUXAR

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- 1.Suresh Nonia son of late Chandrama Nonia
 2. Rahul Nonia son of Ayodhya Nonia
 3. Ayodhya Nonia, son of Deoraj Nonia
 4. Dunia Nonia, son of Vijay Nonia
 5. Radhey Shyam Nonia son of late Nagina Nonia
 6. Sumant Nonia son of Vijay Nonia
 7. Amarnath Nonia son of Triloki Nath Nonia
 8. Shiv Murat Nonia, son of Naga Nonia
 9. Chunnu Nonia son of Vijay Nonia

All residents of vill. Bhailupur, P.S. Itarhi, Dist. Buxar.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sada Nand Ray

For the Opposite Party : Mr. Pushpa Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 26-05-2015 Heard both sides.

The accused persons 09 in number out of 12 named in the FIR vide Itarhi P.S case No. 35 of 2014 registered under minor penal provisions along with Section 307 of the IPC have prayed for anticipatory bail.

Owing to some dispute, it is alleged that when the driver of the informant went to realize the money he was assaulted with lathi and danda . When the informant went to the place of the occurrence he too was assaulted. Some other witnesses arrived at the scene who were also manhandled.



Contention of the petitioners is that both the parties are neighbours. The injury sustained by the injured are superficial/simple in nature. Good relation between the parties have prevailed inasmuch as a kind of compromise petition has been signed and presented by the parties in the Court. Learned Sessions Judge in the impugned order has noted that due to non appearance of the petitioners no action was taken on such application. Learned counsel states that petitioners are ready and willing to appear in the proceeding in case the trial ensues. They do not have any criminal antecedent.

Regard being had to the above, this Court is persuaded to privilege the petitioners with anticipatory bail. Let the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Itarhi P.S. case no. 35 of 2014 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with following conditions:-

- (i) One of the bailors in each case shall be the own/close family members of



the petitioner.

- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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