

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13725 of 2016

Arising Out of Complaint Case No. -49 Year- 2012 District- BHABHUA (KAIMUR)

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1. Sheo Murat Nonia
 2. Hari Nonia @ Harinarayan Nonia
 3. Raj Nonia
- All three sons of Mewa Nonia
4. Ramesh Nonia @ Ramesh Choudhary son of Shio Murat Nonia
 5. Devanti Devi wife of Raju Nonia
 6. Parmial Devi @ Pramila Devi wife of Ramesh Nonia
 7. chandrwati Devi wife of Hari Nonia @ Harinaryan Nonia
- All R/o Village- Belaon, PS Belaon, District Kaimur at Bhabhua.

.... Petitioners

Versus

1. The State of Bihar.
2. Shiv Bachan Choudhary Son of Shiv Murat Nonia R/o Village- Barkakir, PS Sonban, district kaimurat Bhabua.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh , APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 31-03-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Complaint Case No. 49 of 2012 in which cognizance has been
taken under Sections 302, 201/34 of the Indian Penal Code.

It is contended by the learned counsel for the



petitioners that initially, Bhagwanpur P. S. Case No. 22 of 2011 was registered against the petitioners on the basis of statement made by the complainant Shiv Bachan Chaudhary under Sections 302, 201 and 34 of the Indian Penal Code, but on completion of investigation, the police have found the allegation made in the FIR to be false and accordingly, a final report under Section 173(2) of the Code of Criminal Procedure was submitted before the court. During course of investigation itself, the informant of the case had filed a protest petition in the form of complaint. After going through the FIR, the police report submitted under Section 173(2) of the Code of Criminal Procedure and other materials submitted therewith, the learned Jurisdictional Magistrate accepted the final report and directed the office for institution of the protest petition as a separate complaint. In the said complaint, upon examination of the complainant and some inquiry witnesses, the petitioners have been summoned to face trial. It is further contended that the daughter of the complainant Sheo Bachan Chaudhary was married to one Ranjan Nonia son of Mewa Nonia and the petitioners are relatives of Ranjan Nonia. The marriage had taken place about eight years prior to the institution of the FIR.

Learned counsel for the State has opposed the prayer

for grant of pre-arrest bail to the petitioners.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within four weeks from today, the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Kaimur at Bhabua in Complaint Case No. 49 of 2012, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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