

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27205 of 2017

Arising Out of PS.Case No. -81 Year- 2017 Thana -CHAINPUR District- BHABHUA (KAIMUR)

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Kishan Nonia @ Krishna Noniya, son of Munna Noniya, R/o Village-
Mundi, P.S.- Chainpur, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-07-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
14.04.2017 in connection with Chainpur P.S. Case No. 81 of 2017,
G.R. No. 828 of 2017 registered for the offence punishable under
Sections 302 and 120(B)/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while her son, Ajay Nonia was present in front of cement shop
of accused Chandradeep Nonia, petitioner along with other co-
accused came and started talking with the deceased-son of the
informant, Ajay Nonia. After some time, one of the accused
Chandradeep Nonia fired from his country made pistol on the



informant's son and thereafter all the accused persons, including Chandradeep Nonia fled away.

It has been submitted by the learned counsel for the petitioner that just because he was present near the place of occurrence, he has been made accused, although he has no criminal antecedent and there was no cause of enmity between the petitioner and the informant's son, rather, he had come for his marriage and his Tilak ceremony was to be held only on the next day and marriage five days thereafter. He submits that no overt act has been committed by him and in the First Information Report main allegation of firing on the informant's son is on the accused Chandradeep Nonia, as seen by the informant, who is the eye-witness to the alleged occurrence.

However, learned A.P.P. for the State submits that the petitioner very much participated in the alleged offence, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in



connection with Chainpur P.S. Case No. 81 of 2017, G.R. No. 828 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below during trial and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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