

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34730 of 2017

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

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1. Rakesh Noniya @ Rajesh Noniya son of Haridwar Noniya R/o Village Mudi, P.S. Chainpur, District Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Sri Anil Kumar Singh 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-08-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in judicial custody since 18.04.2017 in connection with Chainpur P.S. Case No. 81 of 2017, G.R. No. 828 of 2017 for offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while she was sitting on her door and her son was standing near the cement shop of one Chandradeep Noniya, and the petitioner along with other co-accused, were standing there, the said Chandradeep Noniya took out his country made pistol and fired on her son resultantly her son, Ajay Nonia succumbed to the injury.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent. No overt act has been committed by him. He also submits that petitioner has not committed any offence and he was just standing at the place of occurrence and has been made accused in the aforesaid case. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and that one of the co-accused named in the FIR has been granted the privilege of bail by this Court in Criminal Misc. No. 27205 of 2017 on 25.07.2017 on similar allegations.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of 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 property within the jurisdiction of the concerned police station, who will file an



affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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