

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.55767 of 2017**

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

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Chandradeep Noniya @ Chandradeep Nonia, S/o Dadan Noniya, resident  
of Village- Muri, P.S.- Chainpur, District- Kaimur.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Smt. Anita Kumari

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

3      21-12-2017                      Heard the counsel for the petitioner, the  
informant and the State.

The petitioner seeks bail in connection with  
Chainpur P.S. Case No. 81 of 2017 dated 14.04.2017 instituted for  
the offences under Sections 302, 120 (B)/34 of the Indian Penal  
Code and Section 27 of the Arms Act.

The petitioner is alleged to have fired at the  
deceased leading to his death. This was witnessed by the  
informant viz. Prema Devi. There is yet another eye witness to the  
occurrence, viz. Nanda Devi, who is also the neighbour of the  
aforesaid Prema Devi.

It has been pointed out from the F.I.R as also  
from the case diary that the informant Prema Devi has alleged that  
she saw the occurrence from her own house. She has narrated that



while she was sitting at her door at about 6:00 P.M. in the evening, she saw that her deceased son was talking to the petitioner and others near the cement shop of the petitioner. Later, she witnessed the petitioner taking out a weapon from his pocket and killing the deceased.

Learned counsel for the petitioner has drawn the attention of this Court to para 5 of the case diary where the place of occurrence has been verified. In front of the shop of the petitioner, there is a road and on the right and left sides are the barren lands belonging to the petitioner and another. From the description given of the place of occurrence, it does not appear to be probable that the informant or Nanda Devi would have seen the occurrence. Apart from the aforesaid two witnesses, all other persons who have stated about the petitioner killing the deceased, are persons who have not seen the occurrence and have only been informed about the same. There is also no plausible reason suggested by the prosecution for the petitioner to have killed the deceased. On the contrary, learned counsel for the petitioner has stated that the cousin grand father of the petitioner had lodged a case against the husband of the informant, the deceased and others.

Learned counsel for the informant, however has



stated that merely because the police officer investigating the case has not found the houses of the informant and Nanda Devi to be situated at the place of occurrence, their statements directly attributing the act the killing of the deceased to the petitioner cannot be overlooked.

The petitioner is in custody since 11.07.2017.

Regard being had to the fact that no motive has been attributed to the petitioner for killing the deceased and prima facie, it appears to be doubtful that the informant has seen the occurrence, this Court is inclined to grant bail to the petitioner.

The petitioner, above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, III, Kaimur at Bhabua in connection with Chainpur P.S. Case No. 81 of 2017.

**(Ashutosh Kumar, J)**

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