

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29607 of 2019

Arising Out of PS. Case No.-344 Year-2017 Thana- NAUBATPUR District- Patna

TRIDEV NONIA Son of Saitalish Nonia @ Shantalish Prasad Resident of
Village-Faridpur, P.S.-Naubatpur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Prasad

For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA

ORAL ORDER

4 16-08-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Naubatpur P.S.Case No.344 of 2017 registered for offences punishable under Sections 302, 323, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution story is that the petitioners and other accused persons threatened the informant to withdraw the case earlier filed against them and thereafter all the accused persons made indiscriminate firing and there is specific allegation against one Vikash Nonia of firing from the pistol, causing injury to the son of the informant.

Submission of the learned counsel for the petitioner is that no specific allegation has been attributed against him and specific allegation is against one Vikash Nonia and considering the same, this Court has granted privilege of anticipatory bail vide order dated 24.1.2019 passed in Cr. Misc. No.1693 of 2019, however, the learned A.P.P. has opposed the prayer for bail stating that now the case diary is available and the case case



diary shows that there are several fire arm injury on the person of the deceased and as such this is not a fit case for grant of anticipatory bail.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, no bout one of the co-accused has been granted privilege of anticipatory bail by this Court but it appears that at that time the case diary was not available, however, now the case diary discloses that there are several fire arm injury on the person of the deceased and allegation against the petitioner and others is of indiscriminate firing on deceased.

Considering the same, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, if the petitioner surrenders and pray for regular bail, the same shall be considered by the learned court below without being prejudiced by the order of this Court and if possible to be disposed of on the same day.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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