

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49372 of 2018

Arising Out of PS. Case No.-505 Year-2014 Thana- NAUBATPUR District- Patna

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Bullu Nonia @ Ballu Nonia @ Bablu Nonia, S/o Surendra Nonia, Resident of
Village- Azma Bathani, P.S.- Naubatpur, District- Patna.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Satish Chandra, Advocate.
For the Opposite Party : Mr. Rajballabh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 04-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 147, 148, 149, 323, 324, 307, 302, 379
and 436 of the IPC.

The prosecution story, in brief, is that on 05.10.2014
at 8.30 P.M., in the night, the informant alongwith his father
Shiv Dayal Prasad was in his house. In the meantime, the
petitioner and other 19 accused persons having lashed with
deadly weapons likely Fasuli, Sword, Khanti, Rod and Garasa,
entered into his house after breaking the door and also
threatened them to withdraw a case bearing No. 364 of 2014.
Co-accused Vinod Noniya assaulted with Rod on the deceased,
Bulu Noniya (petitioner) also attacked with Fasuli on the head



of the deceased, co-accused Surendra Noniya and Bhim Noniya fractured the hand of the deceased, co-accused Lutu Noniya and Pappu Ninoya attached with Khanti in the elbow of the deceased Shiv Dayal Prasad, co-accused Ravi Noniya, Jitendra Noniya and Naresh Noniya assaulted with Lathi and Danda causing back and body injuries. Accused persons also robbed the ornaments and burnt the hut of the deceased. Co-accused Timal Noniya and Bittan Noniya also participated in the occurrence.

This is fourth attempt for grant of bail on behalf of the petitioner.

Earlier bail applications of the petitioner were rejected by the then Co-ordinate Bench of this Court vide Cr. Misc. No. 58212 of 2015 under order dated 29.01.2016, Cr. Misc. No. 43252 of 2016 under order dated 05.10.2016 and Cr. Misc. No. 41972 of 2017 under order dated 10.01.2018 vide Annexure-1 series to the present application taking into account that the petitioner is the assailant.

A report has been called for from the learned court below regarding the present stage of the case. It has been reported that six non-official witnesses have already been examined and the trial is expected to be concluded within a period of six months.



It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 25.08.2015. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the fact that the petitioner is the assailant and the trial is expected to be concluded within a period of six months, I am not inclined to grant bail to the petitioner. The same is again rejected in connection with Naubatpur P.S. Case No. 505 of 2014, pending in the court of learned A.C.J.M., Danapur, Patna.

Learned court below is directed to take all necessary steps to conclude the trial within the stipulated period as indicated above.

(Sudhir Singh, J)

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