

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79664 of 2019**

Arising Out of PS. Case No.-321 Year-2019 Thana- SHEKHPURA District-Sheikhpura

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1. JAWAHAR NONIA Son of Late Ramfal Nonia Resident of Girihinda, P.S. and District-Sheikhpura.
 2. Sanjay Nonia Son of Jawahar Nonia Resident of Girihinda, P.S. and District-Sheikhpura.
 3. Gopal Nonia Son of Jawahar Nonia Resident of Girihinda, P.S. and District-Sheikhpura.
 4. Anil Nonia Son of Jawahar Nonia Resident of Girihinda, P.S. and District-Sheikhpura.
 5. Sunil Nonia Son of Jawahar Nonia Resident of Girihinda, P.S. and District-Sheikhpura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Pankaj Kumar, Advocate.

For the Opposite Party: Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 05-12-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 149, 341, 323, 307, 325, 337, 379, 504 of the Indian Penal Code registered in connection with Sheikhpura P.S. Case No. 321 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute and there is case and counter case between the parties. Most of the injuries sustained



by the informant are simple in nature except one which is said to be grievous. The accusation of assault is general and omnibus in nature except against petitioner no. 2 who is said to have assaulted the informant on his hand.

4. Having regard to the nature of accusations, gravity of the offence alleged and the grievous injury sustained by the informant by reason of assault attributed to petitioner no. 2, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 2. The anticipatory bail petition of petitioner no. 2 stands rejected.

5. As regards petitioner nos. 1, 3, 4 and 5, in the event of the petitioners' arrest or surrender (except petitioner no. 2) before the court below within six weeks from the date of communication of this order, let the above named petitioners (except petitioner no. 2) each be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No. 321 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors of each of the petitioners (except petitioner no. 2) shall be their close relatives other than the petitioners herein.



(ii) That the petitioners (except petitioner no. 2) shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners (except petitioner no. 2) shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners (except petitioner no. 2) shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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