

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7630 of 2020**

Arising Out of PS. Case No.-359 Year-2019 Thana- RANIGANJ District- Araria

JATAAY NONIYA Son of Ganeshi Nonia Resident of Village - Belgachhi,
P.S.- Raniganj, District- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 29-05-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard Mr. Mahendra Thakur, learned counsel for the
petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the
State.

Petitioner in the present case is seeking regular bail in
connection with Raniganj P.S. Case No. 359/2019 registered for
the offences punishable under Section 302/201/34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that on
08.10.2019 the First Information Report was lodged by the
brother of the victim alleging that he had got telephonic



information through the villagers of Belagachhi that his sister has been killed by the villagers and her dead body has been cremated. In the First Information Report 14 persons were named and 20-25 unknown persons had allegedly participated in the occurrence.

Learned counsel for the petitioner submits that this petitioner is not named in the F.I.R. but in course of investigation the husband of the deceased made his statement on 11.10.2019 and in his statement he named altogether 30 persons who had allegedly participated in beating of his wife and pouring kerosene oil on her and burning her to death. It is submitted that the husband of the deceased was not an eye witness, at the relevant time he was in Mumbai and the said fact has transpired in the F.I.R. itself.

It is further submitted that some of co-accused named in the F.I.R. have been granted regular bail by learned coordinate Bench of this Court and the persons named in paragraph '16' of the application who have been granted bail by this court are similarly situated to the petitioner in this case. One of the named accused Amit Noniya has been granted regular bail vide order dated 29.02.2020 passed in Cr. Misc. No. 12125/2020.



Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

This court has perused the case diary and considering the facts and circumstances of the case wherein this petitioner is not named in the F.I.R. though 14 persons were specifically named by the informant and it is only after three days that the husband of the deceased who is not an eye witness has named this petitioner and further that co-accused similarly situated have been granted privilege of regular bail by learned coordinate Bench of this court, the petitioner has remained in custody for more than seven months by now, the investigation against him is complete and there is no argument that his release at this stage is likely to interfere with the course of trial, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Araria, in connection with Raniganj P.S. Case No. 359/2019, subject to the condition as laid down under Section 437(3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence



similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

vats/Rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

