

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15266 of 2021

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

Pappu Noniya Son Of Late Avdhesh Noniya Resident Of Ajma Bathani, P.S.-
Naubatpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-07-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Naubatpur P.S.
Case No. 505 of 2014 registered for the offence punishable under
Sections 147, 148, 149, 323, 324, 307, 302, 379, 426 of the Indian
Penal Code.

The prosecution case in brief is that the petitioner and other 19
accused persons having lashed with deadly weapons entered into the
house of the informant's house after breaking the door and also
threatened to withdraw the case bearing number 364/2014. Co-
accused Vinod Noniya assaulted with rod on the deceased. Bulu
Noniya 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 Noniya (petitioner) attacked with Khanti in the elbow of the deceased Shiv Dayal Prasad (father of the informant), 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.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He submits that the injury mentioned in the post mortem report does not support the allegation against the petitioner. He further submits that similar situated co-accused has been granted bail by a Co-ordinate Bench of this Court *vide* order dated 12.05.2017 in Cr. Misc. No. 24247 of 2017. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has one criminal antecedent as has been mentioned in para 3 of the bail application and has been languishing in custody since 29.06.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the



like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Naubatpur P.S. Case No. 505 of 2014 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

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