

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2351 of 2021**

Arising Out of PS. Case No.-106 Year-2020 Thana- NOKHA District- Rohtas

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MUNNA NONIYA @ MUNNA CHOUDHARI Son of Dasharath Noniya
Resident of Village- Ganghar, P.S.- Nokha, District- Rohtas at Sasaram.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Babu Nandan Prasad
For the Respondent/s : Mrs. Usha Kumari

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 24-06-2021 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through virtual Court

proceedings.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for bail vide order
dated 09.03.2021 passed by learned 1st Additional Sessions
Judge cum Special Judge (SC/ST Act), Rohtas at Sasaram in
connection with Nokha P.S. Case No. 106 of 2020 registered
under Sections 147, 148, 149, 341, 323, 307, 504 & 506 of the
Indian Penal Code, Section 27 of the Arms Act and Section 3(1)
(r) (s) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.



The prosecution case, in brief, is that while the informant was sitting on the verandah in front of his door, his villagers Gariba Noniya along with 18 other persons named in the written report having armed with lathi, danda and Garasa are said to have come and assaulted the informant and abused him by calling his caste name. When the informant's family member rushed in his rescue they also assaulted them causing injury to them. Upendra Noniya having country made pistol in his hand opened the fire. While the brother of the informant was coming from Nokha he was also assaulted and beaten by them.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. There is case and counter case between the parties. As a matter of fact, there was free fight between both the parties but the informant succeeded to lodge this false case in collusion with the police with a view to cover his misdeed. It is further submitted that the case has been compromised between the parties and good relation has restored between them. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent and has been languishing in custody since 11.02.2021.



Learned Spl. PP for the State opposed the prayer
for bail.

In the facts and circumstances of the case, the
above named appellant is directed to be released 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 1st Addl. Sessions Judge cum Special
Judge (SC/ST Act), Rohtas at Sasaram in connection with
Nokha P.S. Case No.106 of 2020.

Accordingly, the impugned order is set aside and this
appeal is allowed.

(Anjani Kumar Sharan, J)

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