

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.3072 of 2021**

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

Gariba Noniya @ Gariba Chaudhari Son of Dashrath Noniya Resident of
Village - GHangahar, P.S.- Nokha, Distt.- Rohtas at Sasaram.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Babu Nandan Prasad,Advocate

For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

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

2 10-08-2021 Learned counsel for the appellant undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and Ms. Usha
Kumari 1, learned Spl.P.P. for the State.

The appellant in the present case is seeking setting
aside of the order dated 03.07.2021 passed by learned 1st
Additional Sessions Judge-cum-Special Judge, Rohtas at
Sasaram in connection with Registered Case No. 143 of 2020
arising out of Nokha P.S. Case No. 106 of 2020 registered for
the offences punishable 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 SC/ST Act whereby and
whereunder the prayer for bail of the appellant was rejected.

In the facts of the present case where there are general and omnibus allegation against altogether 18 named accused persons, no specific weapon has been attributed to this appellant and from the impugned order it appears that the injured Vikas Ram has sustained simple injuries by hard and blunt object, the other injured has also sustained simple injury and further the co-accused Munna Noniya has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 2351 of 2021, the appellant has remained in jail in connection with the present case since 25.04.2021, he has declared one criminal antecedent in paragraph '3' of the present application in which he is said to be on bail, this Court sets aside the impugned order and directs release of the appellant above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Rohtas at Sasaram in connection with Nokha P.S. Case No. 106 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This appeal stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.