

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51906 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- SALAIYA District- Aurangabad

1. Shankar Noniya @ Shivshankar Kumar Chauhan son of Naresh Noniya Village- Khatri Bigha Ps- Salaiya Dist- Aurangabad
2. Mahesh Kumar @ Mahesh Noniya son of Awdhesh Chauhan Village- Khatri Bigha Ps- Salaiya Dist- Aurangabad
3. Munna Kumar @ Munna Noniya son of Awdhesh Noniya Village- Khatri Bigha Ps- Salaiya Dist- Aurangabad
4. Naresh Noniya @ Naresh Chauhan son of Late Chamari Noniya Village- Khatri Bigha Ps- Salaiya Dist- Aurangabad
5. Amrit Shankar Noniya @ Amritanajan chauhan @ Amritan Noniya son of Naresh Noniya Village- Khatri Bigha Ps- Salaiya Dist- Aurangabad
6. Umesh Noniya @ Umesh Chauhan son of Late Chamari Noniya @ Late Bhubneshwar Chauhan Village- Khatri Bigha Ps- Salaiya Dist- Aurangabad
7. Awdhesh Noniya son of Late Chamari Noniya @ Late Bhubneshwar Chauhan Village- Khatri Bigha Ps- Salaiya Dist- Aurangabad
8. Surendra Noniya @ Surendra Chauhan Son of Late Chamari Noniya @ Late Bhubneshwar Chauhan Village- Khatri Bigha Ps- Salaiya Dist- Aurangabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Jitendra Kumar Sagar, Advocate
For the Opposite Party/s :	Mr. Jagdhar Prasad, APP
For the Informant :	Mr. Pramendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State as well as learned counsel for the informant.

02. In the present case, the petitioners are apprehending their arrest in connection with Salaiya P.S. Case No. 31 of 2024, registered for the alleged offence under Sections 147, 148, 341, 323, 324, 325, 307, 379, 504 of the Indian Penal Code.

03. As per prosecution case, the petitioners, who were



armed with *Lathi, Danda, Bhala, Gadasa, Tangi* and *Farsa*, hurled abuses to the informant and assaulted his family members, causing a number of injuries to them.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Learned counsel further submits that all offences are bailable in nature except Sections 307 and 379 of IPC but these sections are not applicable in the present case. The injuries of all the victims are opined to be simple except the injury of one Mantu Kumar whose bone of nose has been found fractured and the said injury is stated to be grievous. Learned counsel further submits that there is counter version and Salaiya P.S. Case No. 32 of 2024 has been lodged for the occurrence of the same day by the petitioner-Naresh Noniya against the informant's side. The occurrence took place in the background of land dispute as the informant has blocked the road of the petitioners' side. The petitioners are having clean antecedent.

05. Learned A.P.P. for the State as well as learned counsel for the informant oppose the prayer for anticipatory bail. Learned counsel for the informant submits that there is specific allegation against the petitioner for assaulting the informant and others with deadly weapons. Learned counsel further submits that bone of nose of one Mantu Kumar has been fractured in this



assault.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the mostly simple and non-serious nature of injuries of the victims and further considering the background of land dispute and counter version coupled with possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Aurangabad/court concerned in connection with Salaiya P.S. Case No. 31 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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