

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58717 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- SIMRA District- Aurangabad

Rajesh Kumar Noniya @ Rajesh Kumar Nunia Son of Late Dharmu Noniya
Resident of Village- Ajaniya, P.S- Simra, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Singh, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 11-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Simra PS Case No. 24 of 2024 dated 02-06-2024 instituted for
the offence punishable under Sections 341,323, 354B, 447, 504
& 506 of the Indian Penal Code and Sections 3 and 4 of the
Prevention of Witch Practices Act.

3. The prosecution case in short is that on 30-05-2024
the informant's co-villager, namely, Rajesh Kumar Noniya
(petitioner) armed with *lathi* came at the house of the informant
and started abusing her by saying her a witch. On protest, it is
alleged the petitioner started assaulting her with *lathi*. On *hulla*,
the informant's daughter-in-laws, namely, Basanti Devi and
Soni Devi came to rescue her, but petitioner assaulted them and



tried to outrage their modesty and also torn their clothes. When the informant raised alarm, petitioner threatened her and fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that husband of the informant and petitioner are full brothers. It is submitted that informant's family and petitioner's family both are residing in a joint house and after the death of petitioner's father, namely, Dharmu Noniya, the dispute arose between the families of two brothers with regard to their share in the house as well as with regard to their ancestral property. It is submitted that petitioner filed application for correction in the Demand Register on 12-07-2022. It is next submitted that on the date of alleged occurrence, dispute arose in between members of both the families on petty issue during which female members of both sides have sustained simple injury. It is also submitted that petitioner is a chronic kidney patient for which he is under regular treatment of Christian Medical College, Vellore, Tamil Nadu. The petitioner used to go to the hospital at Vellore regularly since February, 2022. Lastly, it has been submitted that petitioner has no criminal antecedents.



5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Simra PS Case No. 24 of 2024 petitioner shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Aurangabad, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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