

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70812 of 2023

Arising Out of PS. Case No.-55 Year-2002 Thana- DHANSOI District- Buxar

Ghurahu Chauhan @ Fekan Noniya Son of Late Trilok Chauhan @ Late
Triloki Choudhri R/o vill - Bijhaura, P.S. - Itdhari, Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 13-02-2024 Heard learned counsel for the petitioner and learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Dhansoi P.S. Case No. 55 of 2002 instituted for the offence
under Sections 147, 148, 149, 324, 307 & 302 of the Indian
Penal Code and 27 of the Arms Act.

3. Prosecution case in short is that one Chhathu Nonia
and Murari Nonia was shot dead by 5-6 miscreants.

4. Earlier vide order dated 16-01-2024, report was
called for from the Court of learned Additional Sessions Judge
IV, Buxar with regard to the stage of trial. A report dated 24-01-
2024, has been sent from the Additional Sessions Judge, IV,
Buxar stating therein that accused are yet to be examined and



trial is likely to be concluded within a period of one year, if the charge is framed.

5. It has been submitted on behalf of the petitioner that the petitioner is in custody since 15-06-2023. Petitioner is stated to be man of clean antecedent.

6. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. From perusal of the case diary, it appears that police went to arrest the petitioner in village - *Parada* but petitioner was residing in village- *Bighaura*, due to which he was oblivious about the instant case. There is no specific allegation attributed to the petitioner. From perusal of the impugned order, it would emerge that co-accused, namely, *Suresh Noniya Kamlesh* and *Duniya Noniya* have been acquitted from Sessions Trial No. 194 of 2003.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and fact that there is no specific allegation attributed to the petitioner, this Court is inclined to grant bail to the petitioner.

9. Let the petitioner be released on bail, **after**



framing of charge, if not already framed, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dhansoi P.S. Case No. 55 of 2002 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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