

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33389 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- RAJPUR District- Buxar

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1. Gopal Noniya S/o Paras Noniya R/o Village- Devadhiya, P.S.- Rajpur, District- Buxar
 2. Paras Noniya S/o Late Nand Kumar Noniya R/o Village- Devadhiya, P.S.- Rajpur, District- Buxar
 3. Sonu Noniya S/o Bulla Noniya @ Bula Nonia R/o Village- Devadhiya, P.S.- Rajpur, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Adv. Mr. Surendra Kr. Choubey, Adv.
For the Opposite Party/s	:	Mr. Anil Kr. Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-05-2025 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Rajpur P.S. Case No. 44 of 2025 registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 127(2), 115(2), 109, 352 of BNS and 27 Arms Act.

3. As per FIR the allegation against petitioners is to assault informant by using *lathi*, rod etc., and also open fire through country-made pistol.



4. It is submitted by learned counsel appearing on behalf of the petitioners that the occurrence was free fight in nature where both the parties received injuries and for same set of occurrence petitioner side also lodged a case against informant and others which was registered as Rajpur P.S. Case no. 45 of 2025. It is submitted that the accusation of firing was made only to aggravate the allegations as no empty cartridge and any incriminating material found at place of occurrence in support of allegation. It is submitted that it was simple free fight for disputed piece of land where both parties claimed *qua* vegetables grown over these. It is submitted that despite of having all merits available against petitioners, the prayer of anticipatory bail of petitioners were rejected for sole reason that petitioner nos. 1 and 2 found involved in 4 criminal cases, whereas petitioner no. 3 found involved in two(2) more criminal cases but all petitioners in all aforesaid cases are on bail. While concluding arguments, it is submitted that the occurrence is free fight in nature therefore it can be safely said that petitioner were not under intention to cause death of injured. It is also submitted that upon medical



examinations no firearm injury was noticed upon informant and the injuries which were found was upon non vital parts and found simple in nature caused by hard and blunt substance. It is submitted that in view of same it can also be said that petitioners were not under intention to cause death or the injuries as alleged to be inflicted by petitioners was of not such nature which may cause death of informant/ injured in ordinary course of nature. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Jage Ram & Others vs. State of Haryana*** reported in ***(2015) 11 SCC 366***. It is submitted that merely on the ground of criminal antecedents prayer of bail of petitioners ordinarily should not be rejected. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Prabhakar Tewari vs. State of Uttar Pradesh and Anr.*** reported in ***(2020) 11 SCC 648***.

5. Learned APP while opposing the prayer of bail submitted that the allegation of firing is available against these petitioners.



6. In view of aforesaid factual submissions and by taking note of the fact as the injuries *prima-facie* caused by hard and blunt substance, which was simple in nature where occurrence also appears free fight in nature, accordingly petitioners above-named, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar/concerned Court, where the case is pending in connection with Rajpur P.S. Case No. 44 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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