

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16441 of 2019

Arising Out of P.S. Case No.-32 Year-2008 Thana- DHARHARA District- Munger

YOGESHWAR KORA, aged about 45 years, Male, S/o of Late Budhhu Kora
Resident of Village- Jatkutia, P.O.- Bangalwa, P.S.- Dharahra, District-
Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suman Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
14.07.2018 in connection with Sessions Case No.25 of 2019
arising out of Dharahra P.S.Case No.32 of 2008 for the offence
alleged under Sections 147, 148, 149, 323, 324, 302 and 201 of
the Indian Penal Code and Sections 16, 18 and 20 of the
U.A.P.Act.

The prosecution case as lodged by the informant is
that 21 persons came in seven motorcycles and took away the
informant's father Arjun Yadav who was suspected to be the
informer of the police. Thereafter, assaulted him and ultimately
murdered.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the FIR, bears no criminal antecedent and his name surfaced on the confessional statement of another co-accused Dinesh Kora before the police which has no evidentiary value in the eye of law. He submits that no test identification parade has been done, no recovery of any incriminating article been made from the possession of the petitioner and only on suspicion, the petitioner has been stated to be a member of the Maoist Gang. He submits that identically situated co-accused Tunna Kora, Rajesh Sah, Bhim Kora, Pramod Kora and Binay Kora have been admitted to bail by different orders of this Court. He further submits that the co-accused Dinesh Kora on whose confessional statement the name of the petitioner surfaced has also been granted the privilege of bail by this Court. Petitioner undertakes to cooperate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in



connection with Sessions Case No.25 of 2019 arising out of Dharahra P.S.Case No.32 of 2008 to the satisfaction of learned Additional Sessions Judge-IV, Munger, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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