

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21958 of 2020

Arising Out of PS. Case No.-74 Year-2008 Thana- DHARHARA District- Munger

RAJESH KORA @ RAJESH KISKU S/O Sahdeo Kisku @ Sadhu Kora
Resident of Village - Barmasiya, P.S. - Dharhara, District - Munger (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Jha

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

At the outset, the learned counsel for the petitioner undertakes to remove all the defects, as pointed out by the stamp reporter, within a period of four weeks of resumption of normal physical functioning of the Court including resumption of physical filing.

Heard the learned counsel for the petitioner and Shri Ashok Kumar, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Dharhara P.S. Case No. 74 of 2008 for the offence punishable under Sections 302, 324, 364 and other allied sections of the



Indian Penal Code and Section, section 27 of the Arms Act and 17 of the Criminal Law Amendment Act.

The case of the prosecution in brief is that on 28.08.2008, when the informant and his brothers were sleeping in the night after having diner, suddenly at about 12 in the night, the cattle became restless and started running here and there and when the informant woke up and came outside the house, he found some people standing there and they were beating a co-villager namely Sanjay Yadav. It is further alleged that the petitioner had recognized the accused persons namely Dinesh Kora, Ashok Kora, Bhola Kora, Bharab Kora, Sanjay Kora, Dholak Kora, and Rajesh Kora. It has also been stated by the informant that all the accused persons had then caught hold of his brother namely Fantush Yadav and had beaten him with rod, whereafter they had also caught hold of his cousin brother namely Kamleshwari Yadav and had started raising slogan. After the accused persons had left the place, it transpired that the brother of the informant namely Fantus Yadav had died on account of being beaten by the accused persons.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further



submitted that in the FIR, the name of one of the accused persons has been mentioned as Rajesh Kora son of Sadhu Kora, whereas the name of the petitioner is Rajesh Kora, he is in fact son of Sahdeo Kisku @ Sadhu Kora and he is working in the railway workshop as also he is living in a railway quarter at Jamalpur. It is further submitted that the petitioner has been falsely roped in the present case only after the informant had maliciously submitted an application before the police stating therein that Rajesh Kisku and Rajesh Kora are one and the same person. It is further submitted that one of the co-accused person has been granted bail by a co-ordinate Bench of this Court vide order dated 18.01.2013 passed in Cr. Misc. No. 2155 of 2013. Lastly, it is submitted that the petitioner is languishing in custody since 07.12.2019.

The learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the case of the petitioner stands on a better footing than the co-accused person who has been granted bail by a co-ordinate Bench of this Court, apart from the fact that the petitioner is in custody since



07.12.2013 as also *prima facie* there appears to be a possibility of mistaken identity, I deem it fit and proper to direct for the release of the petitioners on regular bail.

Accordingly, the petitioner, above-named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Munger in connection with Dharhara P.S. Case No. 74 of 2008.

(Mohit Kumar Shah, J)

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