

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32118 of 2020**

Arising Out of PS. Case No.-115 Year-2019 Thana- PIRI BAZAR District- Lakhisarai

Sanjay Koda, Son of Muneshwar Koda, Resident of Village - Baskund, Police
Station - Sangrampur, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Irshad, Advocate.

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

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 24-02-2021 As prayed for, let the learned counsel appearing for

the petitioner remove the defect(s), as pointed out by the office,

within four weeks of starting of the Court proceeding in

physical mode.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection

with Piri Bazar P.S. Case No. 115 of 2019, registered under

Sections 147, 148, 149, 307, 353 and 120B of the Indian Penal

Code, Sections 25(1-B), 26, 27 and 35 of the Arms Act and

Sections 16, 18 and 20 of the U.A.P Act.

The accusation is that on receiving secret

information about gathering of miscreants near Bhim Bandh in



forest for the purpose of committing the heinous offence, the Cobra force arrived there, where firing started from both sides. When the firing was stopped then Cobra force recovered huge arms and ammunition and huge blood was also found at the place of occurrence. While several extremists succeeded to flee away but one Manish Kumar was apprehended at the spot. On query, Manish Kumar disclosed the name of 74 persons including the petitioner.

Learned counsel for the petitioner submits that it would appear from the FIR that petitioner was not apprehended at the spot rather his name has surfaced in the confessional statement of co-accused, Manish Kumar, who is said to be apprehended at the spot. Further submission is that, in fact, petitioner had been made accused in similar nature of two other cases, in which, he is on bail, as detailed in paragraph 3 of the petition, due to that reason, he has been implicated in the present case with false allegation. It is further submitted that similarly situated co-accused, Ravi Paswan, whose name has also come in the confessional statement of Manish Kumar, has already been granted privilege of pre-arrest bail by a coordinate Bench of this Court vide order dated 29.06.2020 passed in Criminal Misc. No. 6573 of 2020.



Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Lakhisarai, in connection with Piri Bazar P.S. Case No. 115 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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