

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30057 of 2021

Arising Out of PS. Case No.-30 Year-2020 Thana- LADAIYATAR District- Munger

1. O.P KORA @ UPENDRA KORA Son of Aghanu Kora Resident of Village - Kothwa, P.S.- Laraiya Tanr, District - Munger
2. Kaushalya Devi Wife of Mahgu Kora Resident of Village - Kothwa, P.S.- Laraiya Tanr, District - Munger

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43147 of 2021

Arising Out of PS. Case No.-30 Year-2020 Thana- LADAIYATAR District- Munger

MANJU DEVI W/o O.P Kora @ Upendra Kora Resident of Village - Kothwa, P./s.- Laraiya Tanr, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 30057 of 2021)

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mrs. Rina Sinha, APP.

(In CRIMINAL MISCELLANEOUS No. 43147 of 2021)

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Both the petitions have arisen out of Laraiya Tanr P.S.
Case No. 30 of 2020 registered under Sections 302, 120(B),
201 of the IPC and accordingly, a common order is being passed



in both the bail petitions.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in virtual court proceeding.

As per prosecution case, the informant alleges that on 28.08.2020 at about 4:00 PM, his brother Sanoj Kumar along with his father and brother went to Kothwa Pahari to bring his bull back which was grazing there. Father and brother returned home. Sanoj Kumar told them to go forward and he would follow them. The father and one brother of the informant saw Dinesh Koda going towards the said Pahari with whom he has land dispute. It is further alleged that when Sanoj Kumar did not return home, they began to search and during the course of search they reached near the said Pahari and saw the dead body of his brother Sanoj Kumar lying there and there was bleeding from his head. It is further alleged that alleged occurrence took place due to land dispute. It is further alleged that petitioners along with other named accused had murdered his brother with sharp edged weapon. It is further alleged that one Dinesh Jha having conspired with the accused persons got murdered the deceased.

Learned counsel for the petitioners submits that



petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case only on the basis of suspicion. It is further submitted that there is admitted land dispute between the parties and that is the reason of false implication of the petitioners in the present case. It is further submitted that there is no eye witness of the alleged occurrence and the police after investigation submitted charge sheet against the petitioners. It is further submitted that petitioner O.P Kora @ Upendra Kora is in custody since 01.09.2020. Petitioner Kaushalya Devi is in custody since 03.10.2020 and petitioner Manju Devi is in custody since 05.01.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Munger in connection with Laraiya Tanr P.S. Case No. 30 of 2020, subject to the following conditions:-

1. Petitioners shall co-operate in the trial



and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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