

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25815 of 2022

Arising Out of PS. Case No.-11 Year-2018 Thana- KAJRA District- Lakhisarai

KARU KODA @ AJIT KUMAR KODA Son of Kaleshwar Koda Resident of
village - Bichala Tola Srikishun Kodasi, P.S.- Kajra, District – Lakhisarai
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Mukesh Kumar, Adv.

For the Opposite Party : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-08-2022 Heard Mr. Mukesh Kumar, learned counsel for the
petitioner and Mr. Bharat Bhushan, learned Additional Public
Prosecutor.

The case is registered under Sections 147, 148, 149,
353 and 307 of the Indian Penal Code, 27 of the Arms Act and
16, 17, 18, 20 and 23 of the Unlawful Assembly of People Act
in connection with Kajra P.S. Case No. 11 of 2018 (G.R. No.
218 of 2018)

As per the allegation, 43 named accused persons
including the petitioner as also 40-45 unknown persons alleged
to be naxals by the police, had assembled for commission of
offence, according to the information received by the police.
The further allegation is that there were firing and cross firing,
as a result, one Constable got injured by the bullet injury.

Learned counsel for the petitioner submits that there is



no specific allegation against any of the accused persons much less the petitioner and he has been named only to sensitize the matter. He further submits that one of the co-accused, namely, Shankar Yadav has since been granted bail in Cr. Misc. No. 78365 of 2021 on 27.09.2021. He lastly submits that he is in custody since 06.01.2022 (as mentioned in paragraph 10 of the bail application).

Considering the fact that omnibus allegation of firing has been made against all the accused persons named in the first information report, no role specific has been attributed against the petitioner and he is in custody since 06.01.2022, charge sheet has been submitted and one co-accused, Shankar Yadav, (as stated aforesaid) has already been granted bail, this Court is inclined to grant bail to the petitioner.

The petitioner is directed to be released on bail in connection with the above case on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Lakhisarai, subject to the following conditions :

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bonafide.



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself.

(iii) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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