

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24479 of 2022

Arising Out of PS. Case No.-87 Year-2021 Thana- BARHAT District- Jamui

=====

SANJAY KODA, SON OF BALEHSWAR KODA R/O VILLAGE-
CHORMARA, P.S.- BARHAT, DISTRICT- JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Irshad

For the Opposite Party/s : Mr. Anand Kishore Choudhary

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Barhat
P.S. Case No. 87 of 2021, registered for the offences
punishable under Sections 25(1-b)a, 26, and 35 of Arms Act
and Sections 16, 17, 18, 20, 21 and 22 of U.A.P. Act.

As per allegation, on secret information that some
miscreants have assembled in the village Chormara, the
police party conducted a raid and arrested one person,
namely, Umesh Koda, from whose possession some
incriminating articles were recovered. It is further alleged
that three persons managed to flee away.



The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He submits that he has not been arrested at the alleged place of occurrence and his name has emerged only from the confessional statement of co-accused, who was arrested on the spot. He also submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that the whole allegation against the petitioner is false, fabricated and concocted.

The petitioner is languishing in jail since 21.11.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

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

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on



bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Jamui in connection with Barhat P.S. Case No. 87 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the



petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

ashishkr/-

U		T	
---	--	---	--

