

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28829 of 2022

Arising Out of PS. Case No.-33 Year-2010 Thana- KAJRA District- Lakhisarai

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MITHU KODA SON OF KARM KODA @ KAM KODA R/O VILLAGE-
KUMARTARI, P.S.- BARHAT, DISTRICT- JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Murli Dhar

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 17-10-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Kajra P.S. Case no.

33/2010 registered for the offences punishable under sections

302, 307, 379, 364 and other allied sections of the Indian Penal

Code, section 27 of the Arms Act and section 17 of UAPA Act.

Allegedly, police party in following with secret

information reached near Kanikoh, they heard noise of firing

and the police also made counter-firing in which one police

officer and six police personnel lost their lives.

The main submissions advanced by Sri Mukesh

Kumar, the learned counsel appearing for the petitioner are that



petitioner has been languishing in jail for the last more than one year, his name came during course of investigation, he was made accused in similar other cases which have been shown his criminal antecedents, as per prosecution case, petitioner is stated to be a member of naxalite gang but no incriminating article has been recovered from his possession. Further submission is that in the instant case, several co-accused persons have been granted bail by this court.

Sri Murli Dhar, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides, perused the FIR and case diary of the case. The present case relates to the death of one police officer and six police personnel and they lost their lives in exchange of firing took place in between the police party and several accused persons being involved in naxal activity and from the alleged place used and unused firearms and other explosive substance were recovered. Though petitioner is not named in the FIR as per above submissions but he has antecedents of several cases as per para 3 of the petition, nine cases have been shown being lodged against him. During course of investigation, some witnesses mentioned at paras 171, 172 and 174 of the case diary have stated that petitioner was



involved in naxal activity and case diary also goes to show that investigation in respect of other co-accused persons who were involved in the alleged ambush and cross-firing is still pending.

In view of discussed facts, petitioner's case does not stand on similar footing with co-accused persons who are stated to be on bail. Accordingly, in the opinion of this court, petitioner does not deserve privilege of bail and accordingly his prayer for bail stands rejected.

(Shailendra Singh, J)

s.hassan/-

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