

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45045 of 2021

Arising Out of PS. Case No.-233 Year-2020 Thana- KHARHAGPUR District- Munger

Karu @ Kare Khaira @ Karu Khaira Son of Late Kishun Khaira Resident of
Village- Uvibanbarsha, P.S.- Bariarpur, District- Munger.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 10-02-2022 Heard learned counsel for the petitioner and Shri
Nand Kishore Prasad, learned A.P.P. for the State through virtual
court proceedings.

The petitioner seeks bail in connection with
Kharagpur P.S. Case No. 233 of 2020 instituted for the offences
under Sections 147, 148, 149, 120(B) and 121(A)/124(A) of the
Indian Penal Code read with Sections 24(1-b)a, 26(i)(ii)/35 of
the Arms Act and Sections 10, 13, 16, 18, 20 and 21 of the
Unlawful Activities (Prevention) Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 05.09.2020, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that
informant in the F.I.R. alleges that on 03.09.2020 at about 22:30



hours, he received information that Area Commander of banned organization M.C.C., Bahadur Koda and his colleagues Nityanand Chourasia @ Babloo Chaurasiya along with Punit Mandal were coming with explosive and ammunition at Rishi Kund Hills for reuniting the banned group in regard to ensuing Bihar Assembly Elections. Accordingly, it is alleged that a team was constituted and the raiding party reached at the place of occurrence in the morning at about 3:45 am and on seeing the police, the accused started fleeing but eight accused were apprehended, including the petitioner, and further from the petitioner, it is alleged that 198 live cartridges along with one large knife was recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Further, it absolutely does not stand to reason that cartridges without gun would be completely useless and as far as recovery of knife is alleged, that is only ornamental to give more serious colour to the case. Learned counsel further submits that petitioner is not a member of the banned M.C.C. organization nor in the F.I.R. it is alleged that petitioner is a member of the said organization rather it is alleged that Bahadur Koda along with his associates was assembling in the Rishi Kund Hills for



uniting the organization. Further, the learned counsel submits that from Annexure-2 it would be clear that the *Mukhiya* of the village along with the villagers have certified that petitioner is a reputed person and does not have any criminal antecedent.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 05.09.2020, charge-sheet has been submitted in the case, the petitioner is a person with clean antecedent and the recovery is only of cartridge which without gun is useless and also in view of Annexure-2, the Court feels persuaded to grant bail to the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Munger in connection with Kharagpur P.S. Case No. 233 of 2020 with a condition that one of the bailor shall be the wife of petitioner (Pano Devi).

(Satyavrat Verma, J)

Rishi/-

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