

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25506 of 2021**

Arising Out of PS. Case No.-201 Year-2020 Thana- KHARHAGPUR District- Munger

SHIV SHANKAR CHOURAY, Son of Late Ashok Chouray Resident of  
Village- Chotti Madhuwan, P.S.- Karagpur, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 43045 of 2021**

Arising Out of PS. Case No.-201 Year-2020 Thana- KHARHAGPUR District- Munger

JATHU KORA, Son of Mangan Kora, Resident of Village- Rajasarai, P.S.- H.  
Kharagpur, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 56613 of 2021**

Arising Out of PS. Case No.-201 Year-2020 Thana- KHARHAGPUR District- Munger

PAPPU YADAV SON OF PRAKASH YADAV R/O VILLAGE- AMGARWA,  
P.S.- BELHAR, DISTRICT- BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 25506 of 2021)

For the Petitioner/s : Mr.Ambrish Kumar Jha, Advocate.  
Smt. Shashi Priya Pathak, Advocate.  
Mr. Anshuman Shreya, Advocate.

For the Opposite Party/s : Mr.Arun Kumar Singh, APP.

(In CRIMINAL MISCELLANEOUS No. 43045 of 2021)

For the Petitioner/s : Mr.Kumar Kamal Nayan, Advocate.

For the Opposite Party/s : Dr. Indihar Kumari, APP.

(In CRIMINAL MISCELLANEOUS No. 56613 of 2021)

For the Petitioner/s : Mr.Kumar Kamal Nayan, Advocate.

For the Opposite Party/s : Mr.Madhura Nand Jha, APP.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**



ORAL ORDER

9      04-04-2022                      Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

All the aforesaid three cases arise out of H. Kharagpur P.S. case No. 201 of 2020, hence these cases are being disposed of by this common order.

The petitioners seek regular bail in connection with H. Kharagpur P.S. Case No. 201 of 2020 for the offence punishable under Sections 147, 148, 149, 120B, 121A, 124A and 307 of the Indian Penal Code, Section 27 of the Arms Act. and Sections 10, 13, 16, 20 and 21 of the UAPA Act.

The prosecution story, in brief, is that on 02.08.2020 at about 13:05 hours, the informant received secret information that some naxalites have assembled at Harkund Forest for committing crime. On this information, the informant along with other police personnel arrived there and asked them to surrender, to which they retaliated by resorting to indiscriminate firing upon the police party. It is alleged that police party, in defence, also opened fire at them, but the accused persons managed to flee away.



Learned counsels appearing on behalf of the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. The petitioners have been roped in the present case merely on suspicion. Nothing incriminating has been recovered from the possession of the petitioners or from their house. The petitioners Shiv Shankar Chouray and Jathu Kora are in custody since 02.10.2020 and the petitioner Pappy Yadav is in custody since 23.01.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioners.

Considering the aforementioned facts and circumstances of the case, having perused the allegation made in the F.I.R., it appears that there is general and omnibus allegation against all the accused persons including the petitioners and they have been implicated in this case merely on suspicion, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-IV, Munger in connection with Kharagpur P.S. Case No. 201 of 2020, subject to the following conditions:-

- (1) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned. **So far as the petitioner JATHU KORA, Son of Mangan Kora of Cr. Misc. No. 43045 of 2021 is concerned, one of bailor should be closed relative of the petitioner JATHU KORA who will undertake that no criminal antecedent is pending against the petitioner JATHU KORA. If the statement is correct, petitioner JATHU KORA shall be released on bail.**

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(5) **So far as petitioner Shiv Shankar Chouray of Cr. Misc. No. 25506 of 2021 and petitioner Pappu Yadav of Cr. Misc. No. 56613 of 2021 are concerned, the court below is directed to verify the criminal antecedent of the petitioners Shiv Shankar Chouray and Pappu Yadav and if it is found that the petitioners are involved in some other**



**cases as what has been stated in Para-3 of the bail petition,  
their bail bonds shall be cancelled.**

**(Purnendu Singh, J)**

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