

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48883 of 2022**

Arising Out of PS. Case No.-138 Year-2019 Thana- PIRI BAZAR District- Lakhisarai

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GAUTAM KODA @ GAUTAM KORA Son of Jhupar Koda Resident of
Village - Teghara, P.s.- Laraiyadar, Dist.- Munger.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 09-12-2022 Heard the learned counsel for the petitioner and

learned APP for the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

This petitioner seeks bail in connection with Piribazar
P.S. Case No. 138/2019 dated 17.12.2019 registered for the
offences punishable under Sections 364, 120(B)/34 of the Indian
Penal Code and Section 16, 17, 20 of U.A.P. Act.

The petitioner is said to be a maoist having
participated in the kidnapping of the victim, who returned on the
next day.

It has been submitted by the learned counsel for the petitioner that he was not involved in kidnapping and in fact the victim had not been kidnapped but he had gone out and returned on the next day and it is not the victim's family who had filed the case, but it is the police who had filed the case. It has also been submitted by the learned counsel for the petitioner that similarly situated persons namely Muneshwar Pashwan and Mohan Mandal *alias* Madhav Singh have been granted bail by this Court in Cr. Misc. No. 58312 of 2021 and Cr. Misc. No. 21978 of 2021.

Learned A.P.P. appearing on behalf of the State opposes the prayer of bail and has submitted that the petitioner is accused in a case under Section 302 and another case under Section 307 of I.P.C. and he is a maoist and due to fear, no case has been filed by the family of the victim and therefore, the Police intervened in the matter and filed the case. He has also distinguished the case of the petitioner from that of co-accused, who were granted bail and has submitted that from the reading of Annexure-II series, it does not appear that the petitioners of Cr. Misc. No. 58312 of 2021 and Cr. Misc. No. 21978 of 2021 were having criminal antecedents.

Considering the aforesaid facts and considering the

fact that the petitioner is having two antecedents, this Court is not inclined to grant bail to the petitioner. Trial Court is directed to expedite the trial.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

(Sandeep Kumar, J)

Shishir/Vikas

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