

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59480 of 2021

Arising Out of PS. Case No.-40 Year-2020 Thana- LADAIYATAR District- Munger

PRAMILA KORA Daughter of Sadhu Kora Residence of Village - Lahiya
Saheb Tola, P.S.- Piri Bazar, Distt.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 25-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with G.R. No. 1908/2020 arising out of Laraiya Tand P.S. Case No. 40 of 2020 registered for the alleged offences under Sections 147/148/149/342/307/121(A)/122/124/353 of the Indian Penal Code and Section 27 of the Arms Act, Sections 3/4/5 Explosive Substance Act and Sections 16/17/18/19/20/21/22 of U.A.P. Act.

As per prosecution case, on getting information about large gathering of naxalite in forest area of Bhim Bandh, a



search operation was conducted and during this operation the naxalites opened fire and also used improvised explosive devices. Police personnel also opened fire and after search, huge quantity of arms and ammunition were recovered and seized. The petitioner is stated to be one of the naxalites named in the FIR along with 24 other co-accused persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Though the petitioner is named in the FIR yet no overt act has been attributed to this petitioner. The petitioner has not been apprehended from the spot and nothing incriminating has been recovered from her person or possession. Even when the petitioner was arrested from her home, no objectionable material was found by the police in her house. It is apparent that petitioner has been named only on the basis of the suspicion. It is also apparent from the FIR that it is based on written report and seizure list of the case is also typed which shows it has not been prepared at the spot. Charge sheet has been submitted in this case and the petitioner is in custody since 17.04.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a hard core naxal and she has been named in the FIR.



Perused the records.

Having regard to the fact that except for allegation made in the FIR and supportive evidence of this allegation in the case diary without any material, nothing substantive has come up against this petitioner showing her involvement in the occurrence as alleged in the FIR and further considering the fact that charge sheet has been submitted and petitioner is in custody since 17.04.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge, Munger in connection with S.T. No. 182/2021 arising out of Laraiya Tand P.S. Case No. 40 of 2020, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) The petitioner will not commit similar type of offences in future.



(v) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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