

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64673 of 2021

Arising Out of PS. Case No.-13 Year-2021 Thana- BARHAT District- Jamui

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Bajrangi Kora @ Samar Kora, Son of Puna Kora, Resident of Village -
Chormara, P.S.- Barhat, Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Advocate.

For the Opposite Party/s : Ms. Asha Devi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 22-08-2022 Heard Mr. Pankaj Kumar Sinha, learned counsel
appearing on behalf of the petitioner and Smt. Asha Devi,
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.

The petitioner seeks regular bail in connection with
Barhat P.S. Case No. 13 of 2021 (G.R. No. 170 of 2021) for the
offence punishable under Sections 147, 148, 121, 121A and
120B/149 of the Indian Penal Code, Sections 25(1-b)a, 26 and
35 of the Arms Act, Sections 4 and 5 of the Explosive Substance
Act and Sections 16, 17, 18, 19 and 20 of the Unlawful



Activities (Prevention) Act.

Prosecution story, in brief, is that on secret information, a raid was conducted by the police in Chormora forest and one co-accused Prakash Rana was apprehended by the police who disclosed the name of the petitioner as his accomplice. From the forest area, arms, ammunition, explosive substances and other incriminating materials were recovered. Petitioner is said to be member of Naxal organization which is a banned organization.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner has made specific statement in Para-3 of the bail application that he has got no criminal antecedent. He has been made accused in the present case merely on the basis of suspicion and on disclosure made by co-accused Prakash Rana. Petitioner is in custody since 17.01.2021.

Smt. Asha Devi, learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that petitioner is a member of naxal organization. He along with other naxalites were found along with huge quantity of arms, ammunition, explosives and other incriminating materials. Petitioner has made his confessional statement in Para-23 of the



case diary that he was also one of the member of the said banned organization and he is involved in Inter-State naxalite activity.

Having considered the rival submissions of the parties and taking into account the fact that the petitioner has been made accused in the present case on the basis of disclosure made by co-accused Prakash Rana who was apprehended on the spot, no incriminating material has been recovered from the possession of the petitioner, the age of the petitioner on the alleged date of occurrence was only 20 years, he is in custody since 17.01.2021, the only material which has come against the petitioner is his own confessional statement as well as disclosure made by co-accused Prakash Rana, no other material is on record. Considering the tender age of the petitioner and his clean antecedent, I am of the opinion that the petitioner has made out a case to be released on bail subject to the condition that the Superintendent of Police, Jamui shall submit a report with regard to the criminal antecedent of the petitioner and evidence to show the involvement of the petitioner in Naxal activity.

If the report submitted by the Superintendent of Police, Jamui is found to be in favour of the petitioner, the



petitioner, above named, be enlarged 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 the learned Judicial Magistrate 1st Class, Jamui in connection with Barhat P.S. Case No. 13 of 2021, G.R. No. 170 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

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

(3) If the petitioner tampers 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 petitioner.

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

(5) The petitioner will make his attendance before the concerned police station under which his house is located every fortnightly before his school or college time till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds



shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police, Jamui.

(Purnendu Singh, J)

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