

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5438 of 2023

Arising Out of PS. Case No.-79 Year-2021 Thana- KAJRA District- Lakhisarai

BHIKHAN KORA @ MANTU KORA S/O Late JAGDISH KORA Resident
of village- Naya Tola Shree Kishun Kodasi, P.S.- Kajra, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 08.06.2022
in connection with Kajra P.S. Case No.79/2021, F.I.R. dated
26.08.2021, for the offences punishable under Sections 147, 148,
149, 341, 323, 307, 427, 436, 385, 387, 120B of the Indian Penal
Code and Sections 16, 17, 18 and 20 of U.A.P. Act.

According to prosecution case, 48 F.I.R. named accused
persons as well as 10-12 unknown persons assaulted the labours,
who were engaged in the construction work of road near Imaliya
Kol and set the tempo on fire. All the accused persons identified as
members of the Nexalite organization.

Learned counsel for the petitioner submits that petitioner
has falsely been implicated in the present case. He further submits



that it appears from the F.I.R. that there is general and omnibus allegation against all the 48 F.I.R. named accused persons and 10-12 unknown accused persons. He further submits that the petitioner does not belong to any Nexalite organization and nothing has been recovered from conscious possession of the petitioner to connect the petitioner in the nexalite movement and similarly, co-accused, namely, Bambam Yadav @ Julus Yadav @ Ranjit Yadav and Manoj Kora have been granted bail by a co-ordinate Bench of this Court vide order dated 08.08.2022 passed in Cr. Misc. No. 23546/2022 with its analogous case bearing Cr. Misc. No.37228/2022 respectively and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 08.06.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in that case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M.,



Lakhisarai/court concerned, in connection with Kajra P.S. Case No.79/2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

amit/-

U		T	
---	--	---	--

