

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8847 of 2023

Arising Out of PS. Case No.-83 Year-2019 Thana- PIRI BAZAR District- Lakhisarai

Bishundeo Kora @ Bishnudeo Kora @ Vishundeo Kora S/O Dinesh Kora
Resident of Village- Ghogharghati, P.S.- Kajra, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
19.11.2022 in connection with Piri Bazar P.S. Case No. 83 of
2019, F.I.R. dated 18.07.2019 for the offences punishable under
Sections 147, 148, 149, 307, 353 of the Indian Penal Code,
Section 27 of the Arms Act and Section 16/17/18/20/23/28 of
the UAP Act.

According to prosecution case, the informant received
secret information that 60 active members of naxalites
assembled in Bannu Bagicha and moved on to commit an



offence. When the police party reached there, they started indiscriminate firing upon them. It is further alleged that when the firing was stopped, one person was apprehended and several articles were also seized.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that as per the allegation alleged in the F.I.R., altogether 60 persons including the petitioner started indiscriminate firing on the police party and after the firing was closed, the police has apprehended one person, namely, Manoj Koda and AK-47 and others weapons have been recovered from his possession. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Manoj Koda has been granted bail by a Co-ordinate Bench of this Court vide order dated 04.12.2019 passed in Cr. Misc. No. 76850 of 2019 and another co-accused, namely, Kedar Kumar @ Kidar Yadav has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 16.10.2019 passed in Cr. Misc. No. 64624 of 2019 and number of other co-accused persons have also been granted bail by different Co-ordinate Benches of this Court.. The petitioner is in custody since



19.11.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 1 criminal antecedent other than the present one.

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 Judicial Magistrate 1st Class, Lakhisarai in connection with Piri Bazar P.S. Case No. 83 of 2019, 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)

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