

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9778 of 2023

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

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Pappu Kumar @PAPPU Kora Son of Sitaram Kora Resident of village -
Kachhua, P.S.- Chanan, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-07-2023 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
09.12.2022 in connection with Kajra P.S. Case No. 79 of 2021,
F.I.R. dated 26.08.2021 for the offences punishable under
Sections 147, 148, 149, 341, 323, 307, 427, 436, 385, 387 and
120B of the Indian Penal Code and Section 16, 17, 18 and 20 of
UAP Act.

According to prosecution case, all the accused persons
including the petitioner who are the members of naxalite group
with conspiracy assaulted the labourer with intention to terrorize



them and also threatened them to pay Rs. 10 lakhs as levy.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that from perusal from the F.I.R. it appears that the allegation is that altogether 45 accused persons including the petitioner have assaulted the labourer and put fire in the tempo. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that nothing has been recovered from the possession of the petitioner and there is no specific allegation of assault or overt act attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Kailu Kora @ Kailash Kora has been granted bail by a co-ordinate Bench of this Court vide order dated 06.01.2023 passed in Cr. Misc. No. 20273 of 2022, co-accused, namely, Bambam Yadav @ Julius Yadav @ Ranjit Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 08.08.2022 passed in Cr. Misc. No. 23546 of 2022, co-accused, namely, Manoj Kora has been granted bail by a co-ordinate Bench of this Court vide order dated 08.08.2022 passed



in Cr. Misc. No. 37228 of 2022 and co-accused, namely, Pramod Kora @ Parmeshwar Kora has been granted bail by a co-ordinate Bench of this Court vide order dated 24.01.2023 passed in Cr. Misc. No. 39002 of 2022. The petitioner is in custody since 09.12.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries five criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the five cases.

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 Chief Judicial Magistrate, Lakhisarai in connection with Kajra P.S. Case No. 79 of 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)

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