

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27344 of 2022

Arising Out of PS. Case No.-157 Year-2019 Thana- CHANAN District- Lakhisarai

Sanjay Koda Son Of Muneshwar Koda @ Bhuneshwar Koda R/O- Vill-
Chaihroun, P.S.- Chanan, Dist.- Lakhisarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 04-01-2023 At the outset, Mr. Ravindra Kumar, learned counsel
for the petitioner prays for allowing him to delete paragraph '9'
from the petition. According to him, the said paragraph does not
pertain to this case and has been wrongly entered in the petition
in course of typing.

Permission is granted. Paragraph '9' be taken to have
been deleted.

Heard learned counsel for the petitioner and Mr.
Narendra Kumar Singh, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain
bail in connection with Chanan P.S. Case No. 157 of 2019,
lodged under Section 147, 148, 149, 307, 353, 120-B of the
Indian Penal Code, Sections 25(1-b)a, 26, 27, 35 of Arms Act
and Sections 16, 18, 19 and 20 of Unlawful Activities
Prevention Act.



Earlier the prayer for bail of the petitioner was rejected by this court at the said stage vide order dated 28.10.2021 passed in Cr. Misc. No. 19514 of 2021.

Learned counsel for the petitioner submits that the prayer for bail of the petitioner was rejected mainly on the ground that the petitioner had got nine criminal antecedents and his release at this stage may result in delaying the conclusion of trial and threatening of witnesses.

Learned counsel submits that on bare perusal of the First Information Report, it would appear that the name of the petitioner has been brought in this case by the informant who is a police personnel saying that he heard the naxalis saying about eight names including that of this petitioner and they were talking to take help from them. Learned counsel submits that save and except this vague statement in the FIR, there is no other material against the petitioner. Who was taking the name of the petitioner and how the informant heard all the names, remembered the same and lodged the FIR on the next date of occurrence are highly suspicious.

Learned counsel submits that from the report of the learned Additional Chief Judicial Magistrate – 1st Court, Lakhisarai, it would appear that the case is still fixed on the



point of cognizance. The prosecution sanction has still not been granted in this case. It is submitted that the petitioner has remained in custody since 13.11.2020, therefore, in the given circumstances, at this stage, he deserves privilege of bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner, but considering the facts and circumstances of the case, the earlier observations of this Court and on finding that despite the petitioner having remained in custody for over two years till dated even prosecution sanction has not been granted and the case is still pending on the point of cognizance and the trial is not likely to be concluded in the near future, this Court is of the considered opinion that the petitioner cannot be kept in custody for an indefinite period as an under-trial prisoner. This Court, therefore, directs release of the petitioner above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate - 1st, Lakhisarai in connection with Chanan P.S. Case No. 157 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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