

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28802 of 2023

Arising Out of PS. Case No.-34 Year-2013 Thana- CHANAN District- Lakhisarai

MITHU KODA Son of Late Karm Koda @ Karan Koda Resident of village-
Kumartari, P.S.-Barhat, Distt-Jamui

... .. 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.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Chanan
P.S. Case No. 34 of 2013 dated 14.06.2023 registered for the
offence under Sections 147, 148, 149, 307 and 427 of the Indian
Penal Code and Section 3/4 of the Explosive Substance Act and
under Sections 16 and 18 of UAP Act.

The case relates of explosion of bomb near the main
road at Jamui Mananpur.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R., however, his name transpired in this case on
the merely on the basis of suspicion on the ground of his previous



criminal antecedents. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. Save and except suspicion, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that the co-accused, namely, Dharmendra Kumar, Mantu Kora, Fantus Yadav and Karelal Kora @ Kare Kora @ Pyarelal Kora have been granted bail by different co-ordinate Benches of this Court vide orders dated 17.01.2019, 09.03.2021, 09.09.2021, 23.04.2019 passed in Cr. Misc No. 49941 of 2018, Cr. Misc No. 1588 of 2021, Cr. Misc. No. 34983 of 2021 and Cr. Misc. No. 26312 of 2019 respectively. The petitioner is rotting in judicial custody since 06.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries eight more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional Chief Judicial Magistrate-1st, Lakhisarai in connection with Chanan P.S. Case No. 34 of 2013 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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