

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39379 of 2023

Arising Out of PS. Case No.-133 Year-2021 Thana- PIRI BAZAR District- Lakhisarai

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1. BRIHASPATI KORA @ BRIHSPATI KORA, SON OF LATE BUDHU KORA, R/O VILLAGE SATGHARWA, P.S.- CHANAN, DISTRICT-LAKHISARAI.
 2. GOPAL KORA, SON OF BRIHASPATI KORA @ BRIHSPATI KORA, R/O VILLAGE SATGHARWA, P.S.- CHANAN, 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. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-08-2023 Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Piri Bazar P.S. Case no. 133 of 2021, registered under sections 307, 147, 148, 149, 353, 121, 121A and 124 of the Indian Penal Code, sections 25(1-B)a, 26, 27 and 35 of the Arms Act and sections 16, 17, 18, 20, 21, 22 and 23 of the Unlawful Activities (Prevention) Act.

3. As per the prosecution case, it is stated by the informant that on having received information about the movement of naxalites, raid was conducted. On reaching the



place of occurrence it is stated that the accused persons resorted to indiscriminate firing, which continued for over one hour. Thereafter, the accused persons escaped. Arms and ammunition, as given in detail in the FIR, was recovered. It is further stated that on information gathered from a spy, name of forty-five accused persons including the two petitioners herein transpired.

4. It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. The allegations on the face of the F.I.R are incorrect for the reason that there is no eye witness to the alleged occurrence and source of information of naming the accused persons including these two petitioners is said to be information received from spy. The petitioners have been falsely implicated for oblique reasons. No person was injured on the side of the informant.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the F.I.R, wherein, the accused persons including the two petitioners herein are said to have resorted indiscriminate firing over the police personnel for over an hour before their retreating back, the Court is not inclined to enlarge the petitioners on anticipatory bail and the application is rejected.



7. The petitioners are directed to surrender in the learned trial Court within a period of four weeks.

(Partha Sarthy, J)

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