

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12083 of 2024

Arising Out of PS. Case No.-33 Year-2010 Thana- KAJRA District- Lakhisarai

Mithu Koda, S/O Late Karm Koda @ Kam Koda Village- Kumratari, P.S.
Barhat, District. Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-02-2024 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Sessions Trial No. 294 of 2023, arising out of Kajra P.S. Case
No. 33 of 2010 dated 30.08.2010 registered for the offence(s)
punishable under Section(s) 147, 148, 149, 341, 302, 307, 379,
353, 333, 364 of the Indian Penal Code and Section 17 of UAP
Act and Section 27 of Arms Act.

3. The main submissions advanced by learned counsel
for the petitioner are that this is third attempt of the petitioner to
get the relief of bail and petitioner earlier approached this court
vide Cr. Misc. No. 28829 of 2022 and Cr. Misc. No. 41785 of
2023 for the relief of bail which were rejected vide orders dated
17.10.2022 and 01.09.2023 respectively and in the last rejection



order the petitioner was given a liberty to renew his bail prayer after framing of charges against him and now he has again come for the relief of bail mainly on the ground of the said liberty as charges have been framed upon him on 01.11.2023. Further submission is that the petitioner is not named in the FIR and during investigation, his name surfaced and he was alleged to be a member of the mob but no incriminating article was recovered from his possession and several co-accused persons carrying similar nature of allegation have been granted bail by different benches of this court vide orders passed in Cr. Misc. No. 6154 of 2011, Cr. Misc. No. 36563 of 2021 and Cr. Misc. 17436 of 2011 respectively, though against the petitioner, there is criminal antecedent of nine cases but he is on bail in all said cases.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Heard both the sides and perused the materials. Though, there is a serious allegation against the petitioner but considering his custody period and also the privilege of bail having been granted to several co-accused persons by different benches of this court and also, the stage of the petitioner's trial, this court is now inclined to accept the petitioner's bail prayer.



Accordingly, let the petitioner named-above 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 concerned Court in connection with Sessions Trial No. 294 of 2023, arising out of Kajra P.S. Case No. 33 of 2010 with following conditions:-

- (1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial court.
- (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) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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