

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46181 of 2024

Arising Out of PS. Case No.-163 Year-2021 Thana- PIRI BAZAR District- Lakhisarai

Nakul Koda @ Lalu Koda Son Of Bhola Kora @ Bhola Koda Village-
Baramasiya Manjhla Tola, P.S.- Kajra, Distt.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Irshad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with S.T. No. 132 of 2023 (arising out of Piri Bazar P.S. Case No. 163 of 2021) dated 24.10.2021, instituted for the offence punishable under Sections 147, 148, 149, 307, 333, 353 of the Indian Penal Code, 25(1-A)/26/27 Arms Act, 3/4/5 Explosive Substance Act and 16, 18, 20, 234 of U.A.P. Act, 1967.

3. The prosecution case, in short, is that the son of the informant is said to have been abducted by 15-20 maoists and on protest made by the informant and police party, they opened fire upon prosecution party. It is further alleged that during course of search operation, a dead body was found in the orchard of Dhanik Bind along with A.K. 47 and 7.62 mm live



cartridges. The said dead body was identified by the Chaukidar as a Hardcore naxal, namely, Pramod Kora.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. Only on the basis of suspicion and self confessional statement, he has been made accused in this case. Learned counsel for the petitioner submits that nothing incriminating article has been recovered either from the conscious possession or from the house of the petitioner. Learned counsel for the petitioner submits that two named co-accused persons, namely, Dilip Kumar Mandal and Chandan Naiya @ Kandua Naiya have been granted bail by different co-ordinate Bench of this Court *vide* order dated 24.08.2022 passed in Criminal Miscellaneous No. 16734 of 2022 and order dated 14.02.2023 passed in Criminal Miscellaneous No. 53497 of 2022 respectively. It is further stated that one co-accused namely, Sudhir Kora has been granted bail *vide* order dated 07.07.2023 passed by this Court in Criminal Miscellaneous No. 37875 of 2023. It is next submitted that no T.I.P. has been conducted, as yet. Lastly, it has been submitted that the petitioner is in custody since 06.08.2022, he has four criminal



cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-III, Lakhisarai, in S.T. No. 132 of 2023 (arising out of Piri Bazar P.S. Case No. 163 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.



4. 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.

(Khatim Reza, J)

Sankalp/-

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