

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46124 of 2024

Arising Out of PS. Case No.-31 Year-2018 Thana- KAJRA District- Lakhisarai

MUNILAL KODA @ MUNNA KODA SON OF ANDU KODA @ ANDHU
KODA @ NAGESHWAR KODA RESIDENT OF VILL- BANKUDA, P.O.
AND P.S.- KAJRA, DISTRICT- LAKHISARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Irshad, Advocate
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-07-2024 1. Heard the learned counsel for the petitioner and
the learned APP for the State.

2. The present petition has been filed for grant of
regular bail in connection with Kajra P.S. Case No.31 of 2018
arising out of S.T. No.31 of 2024, registered for the offences
punishable under Sections 147, 148, 149, 353 and 307 of the
Indian Penal Code and Section 27 of the Arms Act and
Sections 16, 17, 18, 20 and 23 of the U.A.P. Act.

3. Informant, who is Sub-Inspector of police
received a secret information that 70 persons who belong to
Naxal groups and 11 persons who support them in the Naxal
activities had assembled at one place and were firing and



raising slogan against police. Thereafter, the informant along with other police personnel had reached the place of occurrence but the accused persons started firing upon them and had then fled away in the dense forest.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 20.06.2023. The learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated in the present case, merely on the basis of suspicion and moreover, he has been remanded in the present case, after he was arrested in one another criminal case. It is also submitted that similarly situated co-accused persons have already been granted bail by this Court as also by co-ordinate Benches of this Court, vide orders dated 17.08.2019, 06.05.2019 and 27.02.2020, passed in Cr.Misc. No.34152 of 2019, Cr.Misc. No.18531 of 2019 and Cr.Misc. No.1114 of 2020, respectively, hence the petitioner be also granted the privilege of bail.

5. Per contra, the learned APP for the State has though vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of



the case, considering the submissions made by the learned counsel for the petitioner and taking into consideration the parity of the case of the petitioner with that of the co-accused persons, who have already been granted the privilege of bail, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

7. Accordingly, the petitioner named above is directed to be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1st-cum-Special Judge, SC/ST, Lakhisarai, in connection with Kajra P.S. Case No. 31 of 2018, arising out of S.T No.31 of 2024, subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial, shall be properly represented on each and every date fixed by the court as also shall remain physically present as directed by the Court and his absence on two consecutive dates shall lead to cancellation of his bail bonds by the court below, whereupon he shall be taken into custody forthwith.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner

(Mohit Kumar Shah, J)

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