

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19974 of 2025

Arising Out of PS. Case No.-41 Year-2017 Thana- CHANAN District- Lakhisarai

Kare Lal Koda @ Pyarelal Koda Son of Dina Koda Resident of village -
Kanimoh, Police Station - Bannu Bagicha, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 20-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Chanan P.S. Case No. 41 of 2017 registered for the alleged offences under Sections 147, 148, 149, 436, 427, 302, 379 of the Indian Penal Code, Section 27 of the Arms Act, Sections 4/6/8 of Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003, Sections 4/40 of Bihar Minor Concession Rules and Sections 16, 18(B), 20 of Unlawful Activities (Prevention) Act.

3. As per prosecution case, police received information about setting on fire of five trucks, trailer of a tractor and a motorcycle by the naxalites. Subsequently, it came



to the notice of the police that about 20 named persons including this petitioner and 20-25 unknown persons attacked the persons, who were engaged in illegal sand mining and thus fire of vehicle and these naxalites shot dead driver of JCB machine. The occurrence is said to have taken place in the background of unlawful activities of the persons involved in sand mining and the naxalites and dispute arising over sharing of money.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no eye witness to the whole occurrence and on the basis of general and omnibus allegation the present case has been lodged. There is no specific and any cogent material to connect the petitioner with the offence as alleged. Learned counsel further submits that a number of co-accused persons have been granted anticipatory and regular bail by different Co-ordinate Benches vide orders dated 15.02.2018, 21.02.2018, 30.03.2018 and 28.02.2025 passed in Cr. Misc. Nos. 3418 of 2018, 5536 of 2018, 6054 of 2018 and 1689 of 2025, respectively. The petitioner is having antecedent of 8 cases and he is on bail in all cases except one. Due to his criminal antecedent, the petitioner has been implicated in the present



case. The petitioner in custody since 27.08.2024 and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is a habitual offender and is involved in similar nature of cases.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of substantive material to connect the petitioner with the offence as alleged and also considering the remoteness of allegation and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai/concerned Court in connection with Chanan P.S. Case No. 41 of 2017, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present



on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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