

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.17875 of 2017**

Arising Out of PS.Case No. -123 Year- 2016 Thana -SAHKUND District- BHAGALPUR

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Mithilesh Choudhary Son of Mantu Choudhary, Resident of village -  
Makba, P.S. Asarganj, District - Munger

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Anil Kumar Singh, Advocate.

For the Opposite Party : APP

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL ORDER

2      12-04-2017                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner is in custody since 16.08.2016 in connection with Shahkund P.S. Case No. 123 of 2016 for the offences alleged under Section 394 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated and the F.I.R. is against unknown persons. Except the extra judicial confessional statement of co-accused, there is no other material to connect the petitioner with the alleged occurrence. Petitioner has neither been put on Test Identification Parada for his identification nor any incriminating articles has been recovered from his conscious possession. Petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of



the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhagalpur, in connection with Shahkund P.S. Case No. 123 of 2016, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

**(Vikash Jain, J)**

Md. Ibrarul/BT

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