

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15018 of 2018

Arising Out of PS. Case No.-76 Year-2017 Thana- ASARGANJ District- Munger

Mukesh Choudhary @ Thothwa @ Tuthba, S/o Umesh Choudhary, R/o Village- Makwa, P.S.- Asarganj, District- Munger.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 15-03-2018 Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner is languishing in custody since 19.07.2017, in connection with Session Trial No. 337 of 2017, arising out of Asarganj P.S. Case No. 76 of 2017 for the offence alleged under Sections 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that he was informed that his brother has been murdered while sleeping at the terrace by fire-arm. FIR has been lodged against unknown.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the FIR. There is neither any direct or indirect evidence against him and his named has surfaced on secret information of some unknown person. He submits that no motive can be attributed behind the



alleged incident. He undertakes to cooperate with the trial and appear before the Trial Court on day to day basis, if he is enlarged on bail.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Session Judge, Munger, in connection with S.Tr. No. 337 of 2017, arising out of Asarganj P.S. Case No. 76 of 2017, subject to the following conditions-

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner.

2. Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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