

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22325 of 2018

Arising Out of PS. Case No.-178 Year-2017 Thana- GARDANIBAGH District- Patna

Mithilesh Choudhary @ Mithlesh Choudhary, Son of Sarjug Choudhary,
resident of Village- Islam Nagar, Police Station- Chandradeep, District-
Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Abhay Kumar - 1

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
18.02.2017 in connection with Gardanibagh P.S. Case No. 178
of 2017 for offences punishable under Section 379 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that while he had gone to take his exams of B.A. Part-III and
parked his motorcycle outside the examination hall, after
returning he found his motorcycle missing. Similarly, the
motorcycles of other examinees were also found missing.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information



Report, is a handicapped person who has been given pension under the Handicapped Pension Scheme and his name surfaced in the confessional statement of co-accused Pravin Kumar, Sanjeev Kumar and Chhotu Mistri. He submits that the stolen motorcycle has not been recovered from his house or his possession and he has been falsely implicated in the aforesaid case just because he has a criminal antecedent. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is also accused in two more cases earlier of similar nature.

Considering the facts and circumstances and the materials on record, let 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 Sub-Judge-XIV cum ACJM, Patna in connection with Gardanibagh P.S. Case No. 178 of 2017 (G.R. No. 3150 of 2017), subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who



will file an affidavit stating his relationship with the petitioner.

- (ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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