

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24845 of 2018

Arising Out of PS.Case No. -173 Year- 2015 Thana -BAIKUNTHPUR District- GOPALGANJ

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Mukesh Patel @ Vishal Ji, Son of Surendra Patel, Resident of Village-
Suhaigarh, Police Station-Runnisaidpur, District-Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 03-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 17.11.2017 in connection with Baikunthpur P.S. Case No.173 of 2015 for the offences alleged under Section 302/34 of the Indian Penal Code and 27 of the Act and 17 of the C.L.A. Act.

3. It is submitted that the petitioner has been falsely implicated and except the extra judicial confessional statement of co-accused Ramesh Paswan, there is no material to connect the petitioner with the alleged occurrence and the main assailant is said to be co-accused Vishnu Baitha, who fired upon the deceased. The said co-accused Ramesh Paswan has been granted bail by a Bench of this Court vide order dated 14.3.2018 passed in Cr. Misc.



No.14772 of 2018. Petitioner is not named in the F.I.R. of the only other case in which he is made accused and in which he has been granted bail. Petitioner claims clean antecedent.

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 the like amount leach to the satisfaction of Sri Niraj Kumar Pandey, J.M.1st Class, Gopalganj, in connection with Baikunthpur P.S. case No.173 of 2015, 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)

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