

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72812 of 2018

Arising Out of PS. Case No.-637 Year-2017 Thana- SITAMARHI District- Sitamarhi

Mithilesh Pathak, S/o Late Rambilash Pathak, Resident of village- Harpur
Pipra, P.S.- Majorganj, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 12-12-2018

Heard learned counsel for the parties.

Petitioner seeks bail in **Sitamarhi P.S. Case No. 637 of 2017** registered for the offence punishable under Sections 302, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner is of committing murder of the wife of Informant by firing alongwith FIR named accused.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. It has been submitted on behalf of the petitioner that the name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Abhishek Kumar. Similarly, situated co-accused person has been granted bail by a co-ordinate bench of



this Court vide order dated 09.07.2018 in Criminal Miscellaneous No. 26926 of 2018. Petitioner is in custody since 23.05.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Sitamarhi**, in connection with **Sitamarhi P.S. Case No. 637 of 2017**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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