

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8479 of 2015

Arising Out of PS.Case No. -297 Year- 2014 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

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Anil Kumar S/o Late Sita Ram Prasad Resident of Village Rasoolpur, P.S.
Barharia, District Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushmita Mishra

For the Opposite Party/s : Mr. Pranav Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

04/ 30-06-2015

Heard learned counsels for the petitioner and

the State.

The petitioner has renewed the prayer for bail
in a case registered under Sections 489(B), 489(C) and 414/34 of
the Indian Penal Code.

Initially bail application was preferred under
Sections 439 and 440 of the Cr.P.C. which was disposed of view
of the ratio laid down in the case of Aasif P.K. alias Md. Aaripha
alias Aasif alias Md. Aasipha alias Md. Aasif alias Aarif Vs. The
State of Bihar and others reported in 2015 (1) PLJR 1017 to the
effect that the offences included in the scheduled of the National
Investigation Agency Act, 2008 the bail application lies under



Section 437 Cr.P.C. before Sessions Judge or the Special Judge and against the order of the learned Special or Sessions Judge appeal lies under Section 21(4) of National Investigation Agency Act, 2008 before Division Bench of the High Court. Subsequently in view of the Full Court judgment passed in Cr. Appeal (FB) No. 149 of 2015, reported in 2015(2) PLJR 289 (Bahadur Kora and ors. Vs. State of Bihar) it was held that the scheduled offences under the schedule of N.I.A. Act can be governed under the Act only when the N.I.A. either investigates the scheduled offence or directs the State to get such cases investigated. Since in the present case neither NIA took the investigation nor directed the State to get it investigated, hence, the present application for bail under Sections 439 and 440 of the Cr.P.C.

The petitioner is languishing in custody since 30.11.2014.

It is alleged that 100 counterfeit currency notes of 500 denomination were recovered from the petitioner while travelling on a stolen motorcycle with co-accused.

It is submitted by learned counsel for the petitioner that even assuming the accusation at best the offence under Section 489(C) IPC is made out which is bailable, hence, no offence under Section 489(B) or 414 IPC is made out. The

motorcycle is registered in the name of relative of the accused and no accusation of use of fake currency notes.

A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Considering the submissions above and the fact that the investigation has already concluded, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Nautan P.S. Case No. 297 of 2014.

The learned court below will be at liberty to cancel the bail bonds of the petitioner, if he substantially gets involved in some serious nature of offence or defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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