

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30625 of 2015

Arising Out of PS.Case No. -214 Year- 2015 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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1. Krishna Prasad Son of Late Yogendra Prasad Resident of village /
Mohalla - Chandmari Chauk, P.S. Nagar Motihari, District - East
Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra

For the Opposite Party/s : Mr. Ram Sumiran Rai(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 16-10-2015

I.A. No. 1844 of 2015.

This interlocutory application has been filed with a prayer to hear this Criminal Miscellaneous out of turn on the ground that the wife of the petitioner, namely, Rama Devi is suffering by paralysis of whole body since the month of May, 2015 and she was admitted in Magadh Hospital, Patna and has been discharged after eleven days as indoor patient. She is confined to bed, her condition deteriorated much and she requires specialized treatment at Delhi otherwise she may breath last and for that photo copy of discharge certificate issued by the Magadh Hospital has been annexed as Annesure-4 to the Interlocutory Application.

The learned A.P.P. has no objection to hear this

Criminal Miscellaneous out of turn.

Accordingly, This Criminal Miscellaneous is put up for hearing out of turn.

The Interlocutory Application is accordingly disposed of.

Heard the learned counsel for the petitioner as well as the learned A.P.P.

The petitioner seeks bail in a case for the offences punishable under sections 406, 420, 467, 468, 471 and 120 (B) of the I.P.C and sections 34 of Prevention of Money Laundering Act.

Allegedly, acting on a tip off raid was conducted in the house of the petitioner and on search besides cash of Rs. 1,85,340/- one nepali note of 500 denomination, some documents and several incriminating articles were recovered, suggesting that the petitioner was indulging in money lending business without having any license.

Submission is of false implication and that without any complaint of any victim the petitioner has been implicated in this case resulting he is suffering in custody since 21.04.2015. In the Arms Act case the petitioner has been granted bail and those recovered articles were not illegal weapons rather the same belongs to tenant of the petitioner who is residing there since last



four years and the license of those weapons were also there. No one has been cheated by the petitioner. Nothing has come by which the document can be proved forged. The petitioner is well known person in his locality and is providing help to the needy persons who are not capable to move to the Offices and Banks. They had given the papers to the petitioner with their consent. In course of investigation the persons whose document has been recovered have admitted that they have voluntarily given the papers and cheques to the petitioner and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail but fairly submits that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

In the facts and circumstances as stated above, considering detention of the petitioner and further that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence now the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. East Champaran at Motihari in Motihari Town P.S. Case No. 214 of 2015, subject to the conditions that one of the bailors must be a near relative and

another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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