

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9276 of 2016

Arising Out of PS.Case No. -3 Year- 2015 Thana -A.T.S District- PATNA

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1. KAMLESH KUMAR @ K.P. @ KAMLESH KUMAR YADAV son of Rajendra Yadav resident of village Tetali Bigha (Jehali Bigha) P.S. Fatehpur, District Gaya.

2. Shailesh Prasad Yadav @ Shailesh Kumar Prasad son of Ganauri Prasad Yadav resident of village Bahera, P.S. Fatehpur, District Gaya.

.... Petitioners

Versus

1. The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. Md.Nazir Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 27-06-2016 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners seek bail in connection with ATS Bihar P.S. Case No. 03 of 2015 registered for the offences punishable under Sections 489(B), 489 (C)/34 of the Indian Penal Code.

Allegedly, acting on a tip off, raid was conducted and five persons including the petitioners were apprehended and after search from possession of the petitioner no. 1 Kamlesh Kumar @ K. P. 100 pieces fake Indian currency notes of Rs.500/- denomination valuing Rs. 50,000/- and from possession of petitioner no. 2 Shailesh Prasad Yadav 25 pieces of fake Indian currency notes of Rs. 1000/- denomination valuing Rs. 25,000/- were recovered.



Submission is of false implication and that the petitioners have been made victim of circumstances, nothing was recovered from their conscious possession, without any fault they are suffering in custody since 27.10.2015, petitioner no. 2 has got clean antecedent whereas petitioner no. 1 was an accused in Bela (Gaya) P.S. Case No. 108 of 2015 under Sections 414/34 of the Indian Penal Code wherein he is on bail, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, at best offence under Section 489(C) IPC is made out which is bailable.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering the period of detention and further that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with A.T.S. Bihar P.S. Case No. 03 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

petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

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(Jitendra Mohan Sharma, J)