

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9507 of 2016

Arising Out of PS.Case No. -2 Year- 2015 Thana -A.T.S District- PATNA

Parasnath Chaubey Son of Saryug Chaubey resident of Village - Rohiya,
P.S. - Ramgarh, District - Kaimur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. M.Haque (APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 24-05-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in jail custody since
13.10.2015 in connection with ATS P.S. Case No. 02 of 2015
registered for the offences punishable under Sections 489(B)
and 489(C)/34 of the Indian Penal Code.

The prosecution case is that petitioner and others
were apprehended by a raiding party and on search 200
counterfeit notes each of Rs. 500 denomination amounting to
Rs. One lakh was recovered from the possession of the
petitioner. A seizure list was prepared in presence of the
witnesses and copy of the same was supplied to the petitioner
and other accused persons.



It has been submitted by the counsel for the petitioner that, except one another case under Sections 489B and 489C of the Indian Penal Code, petitioner is not implicated in any other case of similar nature and Section 489B of the Indian Penal Code is not applicable, as he was not found using the said notes, hence, at best, a case under Section 489C of the Indian Penal Code is made out against him. He submits that the charge-sheet has been submitted against him and there is no chance of absconding or tampering with the evidence.

However, learned A.P.P. for the State submits that the petitioner was caught red handed by the police and has criminal antecedent, hence, opposes the prayer for bail.

Be that as it may, considering the period of custody, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Patna in connection with ATS P.S. Case No. 02 of 2015.

However, it is made clear that since the petitioner has criminal antecedent, as such, in future, if he is found to have indulged in similar nature of offence, learned Court

below will be at liberty to cancel his bail bonds without being prejudiced by this order.

(Nilu Agrawal, J.)

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