

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1616 of 2016

Arising Out of PS.Case No. -369 Year- 2015 Thana -ARARIA District- ARARIA

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Md. Shamsad @ Md. Shamshad Alam S/o Md. Farman Ali @ Late Farman Ali Resident of Village - Khoragachh Kathuwa, P.S. - Sikty, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr. B.N. Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 30-03-2016

Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Araria P.S. Case No. 369 of 2015 registered for the offences punishable under Sections 489(A), 489(B), 489(C) and 420 of the Indian Penal Code.

Allegedly, from possession of the petitioner 39 fake Indian currency notes of 1000 denomination and 106 notes of 500 denomination total Rs. 92,000/- were recovered and further one motorcycle without number was recovered.

Submission is of false implication and that in making alleged search and seizure compliance of provision of law has not

been made, no independent witness was called before search, if the prosecution story is presumed to be true then Section 489 IPC is attracted which is bailable one and the petitioner is suffering in custody since 24.07.2015

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Araria in connection with Araria P.S. Case No. 369 of 2015 subject to the conditions that one of the bailors must be 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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