

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40790 of 2016

Arising Out of PS.Case No. -116 Year- 2016 Thana -GANDHIMAIDAN District- PATNA

Nitesh Kumar Son of Shri Nand Kumar Prasad, Resident of Guru Niwas,
Sweet Heart Lane, Mussalahpur, P.S.- Kadamkuan, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 25-10-2016

At the very outset, learned counsel for the petitioner makes a prayer for allowing him to make correction in paragraph no. 14 of the petition. He submits that due to inadvertence instead of period of custody since 5.4.2016 it has been typed as 5.4.2015. Learned counsel for the petitioner is permitted to make correction in course of the day.

Heard Sri Shiv Shankar Sharma, learned counsel who was assisted by Sri Deepak Kumar, learned counsel for the petitioner and Sri Pawan Kumar Chaurasiya, learned Additional Public Prosecutor.

The petitioner who is in custody in Gandhi Maidan P.S. Case No. 116 of 2016 registered for the offence under Section 489(A), 489(B), 489(C), 420, and 120(B) of the Indian Penal

Code has prayed for grant of bail.

By way of referring to the statement made in paragraph no. 3 of the petition it was submitted by learned counsel for the petitioner that petitioner is having clean antecedent and is languishing in jail since 5.4.2016. It was submitted by learned counsel for the petitioner that on purely false accusation petitioner has been detained in the present case. By way of referring to the F.I.R. he submits that informant had firstly alleged that petitioner had committed fraud with the informant and obtained Rs. 2,75,000/- for providing job and in the same F.I.R. it has been alleged that without providing job subsequently petitioner had given 84 notes of denomination of Rs. 1000/- which was forged. He submits by way of referring to the F.I.R. that informant has stated that he apprehended the petitioner and produced before the police along with fake currency. In this case earlier case diary was also called for which has been received and kept on record. Learned counsel for the petitioner has also argued that seizure memo was prepared much earlier to lodging of the F.I.R. He tried to persuade the court that it is a false case.

Learned Additional Public Prosecutor has opposed the prayer for bail.

However keeping in view the allegation as mentioned

in the F.I.R. and materials available on record as well as clean antecedent of the petitioner and period of custody let the petitioner Nitesh Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Ms. Supriya Goswami , Judicial Magistrate 1st Class, Patna / concerned court in connection with Gandhi Maidan P.S. Case No. 116 of 2016.

(Rakesh Kumar, J)

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