

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4068 of 2016

Arising Out of PS.Case No. -468 Year- 2015 Thana -FORBESGANJ District- ARRARIA

Raj Kumar @ Raj Kumar Sah Son of Ramanand Sah Resident of village -
Parasi, P.S. Sonamani - Godam, Distt. - Araria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.4630 of 2016

Arising Out of PS.Case No. -468 Year- 2015 Thana -FORBESGANJ District- ARRARIA

1. Jitendra Mandal, S/o Bhola Prasad Mandal, Resident of Village-
Chanderi, P.S.- Forbisganj, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.4068 of 2016)

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. A.M.P.Mehta(App)

(In Cr.Misc. No.4630 of 2016)

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Braj Kishore Prasad (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

3 18-03-2016 Both the criminal miscellaneous applications are of
the same occurrence and, as such, have been heard together and
are being disposed of by passing this common order.

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

The petitioners seek bail in connection with Forbesganj P.S. Case No. 468 of 2015 registered for the offences punishable under Sections 489(A), 489(B), 489(C), 420/34 of the Indian Penal Code.

Allegedly, during raid, at first, fake Indian currency note of Rs. 1,15,000/- was recovered from the possession of petitioner Jitendra Mandal and on his disclosure made, again fake Indian currency note of Rs.1,97,000/- was recovered from the possession of petitioner Raj Kumar.

Submission is of false implication and that the alleged seizure-list was prepared in utter violation of Section 100 of the Code of Criminal Procedure, there is no independent witness, during investigation, it has not come as to what are the identifications of recovered notes, no number has been mentioned regarding those fake currency notes, the offence as alleged comes under the purview of Section 489 (C) of the Indian Panel Code which isailable in nature and the petitioners are suffering in custody since 12.09.2015, having no criminal antecedent.

Learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that charge-sheet 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, Araria in connection with Forbesganj P.S. Case No. 468 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.

(Jitendra Mohan Sharma, J)

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