

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31756 of 2016

Arising Out of PS.Case No. -188 Year- 2016 Thana -GANDHIMAIDAN District- PATNA

Rajesh Kumar Bharti, S/o- Late Tej Narayan Singh, R/v- Rajapur,
Mainpura, P.S.- Patliputra, Distt.- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.32280 of 2016

Arising Out of PS.Case No. -188 Year- 2016 Thana -GANDHIMAIDAN District- PATNA

Ranjan Kumar S/o Janardan Prasad Resident of Mohalla- Sanjay Nagar,
Police Station- Jakkanpur, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.31756 of 2016)

For the Petitioner : Mr. Vijay Kumar Sinha

For the Opposite Party : Mr. Sri Nawal Kishore Prasad

(In Cr.Misc. No.32280 of 2016)

For the Petitioner : Mr. Pramod Kumar

For the Opposite Party : Mr. Smt Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

3 17-09-2016 Both the Criminal Miscellaneous 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 as well
as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 420, 467, 468, 471, 472 and 120 B of the I.P.C

After getting secret information that two persons are selling forged stamps in the Collectorat premises, the informant and other police personnel came there and caught them while they were fleeing and from their possession counterfeit stamps of several denominations were recovered, as per the seizure list.

Submission is of false implication and that the police has not disclosed that the seized stamp papers were fake and fabricated when the license number was already inserted on the stamp papers, no document has been produced to show that the seized stamp papers were fake and fabricated, no expert report regarding the seized stamp papers have been obtained and without any expert report charge sheet has been submitted, section 259 of the I.P.C. can be applicable in the present case which is bailable and the offences punishable under sections 258 and 259 of the I.P.C. are triable by the Magistrate 1st Class and as such the petitioners deserve sympathetic consideration as they are in custody since 27.05.2016, there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering that without obtaining expert report charge sheet has been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Ms. Supriya Goshwami, J.M. 1st Class, Patna in Gandhi Maidan P.S. Case No. 188 of 2016/ G.R. No. 3310 of 2016, 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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