

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17138 of 2016

Arising Out of PS.Case No. -416 Year- 2015 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Mukesh Kumar S/o Yogendra Prasad r/o vill. - Panapur Ghachi Tola,
P.S. Harsidhi, Distt. - E. Champaran Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Parmeshwar Mehta(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 20-06-2016

Heard learned counsel for the petitioner and learned

counsel representing the State.

The petitioner seeks bail in connection with Harsidhi P.S.
Case No. 416 of 2015 registered for the offences punishable under
Sections 489 (A), 489 (B), 489 (C), 467, 468, 471/34 of the Indian
Penal Code.

Allegedly, the petitioner and co-accused Sunil Kumar were
apprehended after chase by the Police personnel and from possession of
the petitioner eight fake Indian currency notes of Rs. 500/- were
recovered besides Nokia Mobile and further the motorcycle was also
seized and both disclosed that the seized motorcycle is stolen one and
recovered notes were given by one Dharmendra Sahani to deliver the
same to Subhash Sahani.

Submission is of false implication and that nothing has been
recovered from conscious possession of the petitioner, as alleged
offence under Section 489 (C) is made out which is bailable one, at the

time of search and seizure mandatory provision of law has not been followed and the petitioner is suffering in custody since 08.11.2015 having no criminal antecedent. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering the period of detention and further that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Harsidhi P.S. Case No. 416 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 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.

avin/-

(Jitendra Mohan Sharma, J)

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