

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34730 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -A.T.S District- PATNA

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Uday Kumar, Son of Kishori Prasad @ Munsii Sao, resident of village -
Amarua, P.S. Barachatti, District Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Prasad Verma, Sr. Advocate
Mr. Raj Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Subhash Chandra Mishra, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 05-12-2016 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is languishing in custody since
10.01.2016, in connection with A.T.S. (Bihar) P.S. Case No.
01/16, G.R. No. 332/16 for offences punishable under Sections
489(B), 489(C)/34 of the Indian Penal Code, but later on Sections
16/17 of UA(P) Act, 1967.

The prosecution case is that on secret information
the police team on NH-2 found 5-6 persons standing with
motorcycle. The petitioner was caught with fake Indian currency
of two bundles containing Rs. 2 lakhs with other articles as well.
Other accused persons were also found in possession of fake
currencies and other articles.



It has been submitted by the learned counsel for the petitioner that except one another case under Section 489 and other allied Sections of the Indian Penal Code petitioner is not implicated in any other offence of similar nature. He submits that Section 489(B) IPC is not applicable as the petitioner was not found using the said currency. He further submits that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the police caught the petitioner possessing fake Indian currency notes, hence, opposes the prayer for bail.

Be that as it may, since the charge-sheet has already been submitted and from the materials available, it does not appear that release of the petitioner would adversely affect his trial, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with A.T.S. (Bihar) P.S. Case No. 01/16, G.R. No. 332/16.

This direction of bail is further subject to the condition that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with



the facts of the case to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear before the learned Court below as and when directed.

With these observations and directions, the application stands allowed.

(Nilu Agrawal, J.)

Rajesh/-

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