

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18412 of 2017

Arising Out of PS.Case No. -288 Year- 2016 Thana -KISHANGANJ District- KISANGANJ

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1. Ashish Biswas, S/O Late Devendar Biswas, R/o Village- Rashakuwa,
P.S- Karandighi, District- Uttar Dinajpur (WB).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Union of India through Deputy Commandant SSB, 12th Battallion,
Kishanganj, Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha
Mr. Diwakar Sinha

For the Opposite Party/s : Mr. (Dr.) Ajeet Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 27-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 07.07.2016 in
connection with Kishanganj P.S. Case No. 288/2016 for offences
punishable under Sections 420, 489(B), 489(c) of the Indian Penal
Code.

The prosecution case, as lodged by the Deputy
Commandant, SSB, is that from the bus stand petitioner and two
others were apprehended and from the bag in possession of the
petitioner fake currency notes of Rs. 1,98,000/- in different
denomination was found. Accordingly, a seizure-list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case by the prosecution. He submits that although charge-sheet has been submitted but none of the witnesses have been examined as yet and even the FSL report of the counterfeit currency notes has not yet been taken, that Section 489(B) of the IPC will not be applicable and he has remained in judicial custody since more than a year, hence, a sympathetic view may be taken.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, 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, Kishanganj, in connection with Kishanganj P.S. Case No. 288/16, subject to the condition that one of the bailors would be a close relative of the petitioner, who would have sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear



before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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