

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41534 of 2016

Arising Out of PS.Case No. -245 Year- 2014 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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MOHAMMAD RIYAZ @ MUNNA MIAN @ RIYAZ S/o Tahir Mian R/o
Village Laxmipur, P.S.- Raxaul, Dist- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.

For the Opposite Party/s : Mrs. Veena Rani Prasadd., APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 19-04-2017 Heard both sides.

The petitioner seeks bail in Raxaul P.S. Case No. 245/2014, registered for the offences punishable under Sections 489A, 489B and 489C of the Indian Penal Code.

On secret information that fake currency notes were to be transported in the Indian territory from the Nepal territory, the Inspector SSB led a trap, the petitioner was apprehended in front of his shop and from the bag of the petitioner 100 notes each of 1000 denominations were recovered. All the notes were found to be fake.

Learned counsel for the petitioner submits that no offence under Sections 489A and 489B of the Indian Penal Code



is made out. The petitioner was not found transporting the currency notes. It is submitted that at best offence under Section 489C can be made out. The petitioner is in jail since 19.09.2014. The petitioner has already remained in jail for two and half years. Prayer for bail of the petitioner was earlier rejected vide order dated 20.05.2015 passed in Cr. Misc. 6433/2015. The report was called for from the trial court about the stage of trial. The learned Additional Sessions Judge 6th, East Champaran, Motihari who is in seisin of the case has reported that only one witness has been examined, as the case was transferred in his court on 21.12.2016.

Considering the facts aforesaid that the petitioner is in jail for last two and half years, the petitioner above-named, is directed to 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 Additional Sessions Judge 6th, East Champaran at Motihari in connection with Raxaul P.S. Case No. 245/2014, subject to the condition that one of the bailor shall be the close relative of the petitioner having substantial immovable property in his name.

(Prabhat Kumar Jha, J.)

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