

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36583 of 2018

Arising Out of PS.Case No. -204 Year- 2017 Thana -JOGBANI District- ARRARIA

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Ramchandra Yadav, Son of Late Saukhi Yadav, resident of Village-
Dhamatil, P.O. Jogyara, P.S. Jalai, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 28-08-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 06.12.2017 in
connection with S.Tr. No. 74 of 2018 arising out of Jagbani
(Bathnaha) P.S. Case 204 of 2017 for the offence registered under
Sections 489(A), 489(B), 489(c) of the Indian Penal Code.

Learned counsel for the petitioner submits that though it
is alleged that the petitioner was in possession of forged
counterfeit currency notes or bank notes, the petitioner is merely a
labourer and had no knowledge that such notes, which have been
entrusted to him, were, in fact, fake counterfeit currency notes and
he was merely a carrier of the same for another person and,
therefore, he may not be kept behind the bars. It is further



submitted that apart from this allegation, no further allegation is available in the investigation and since at best he can be prosecuted only under Section 489 (c) of the Indian Penal Code, the petitioner may be extended the privilege of bail. It is further submitted that the offence under Section 489(c) of the Indian Penal Code is cognizable, non-bailable, non-compoundable and triable by Court of Sessions and he is still cooperate in the trial and be present as and when required.

Learned counsel for the State, after perusal of the case diary submits that the petitioner was found to be in possession of certain fake counterfeit currency notes and that his submission is that he was merely a carrier but it was a defence to be contested at the trial.

Considering the aforesaid facts and circumstances of the case and the allegation made against the petitioner and also because the petitioner has no criminal antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of 3rd Additional District & Sessions Judge, Araria in connection with S.Tr. No. 74 of 2018 arising out of Jagbani (Bathnaha) P.S. Case 204 of 2017, subject to the following conditions:-



(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial

(3) The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons his bail bonds shall be liable to be cancelled by the learned Court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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