

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39523 of 2020

Arising Out of PS. Case No.-136 Year-2018 Thana- NAUTAN District- West Champaran

Sikandar Sahani @ Sikandar Chaudhary S/o Late Ramdeo Sahani R/o
Village- Dakshin Teluha, P.S.- Nautan, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the State : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 12-03-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in Nautan PS Case No 136 of 2018, instituted for the offence under Sections 420,467,468, 471, 489(A)(B)(C) /120B of the Indian Penal Code and Section 13 of the Unlawful Activities (Prevention) Act.

The police has recovered 30 counterfeit currency of Rs. 2000/- from co-accused Baidhyanath Sahni. It is his disclosure that the petitioner was facilitating procurement of the same.

It is submitted by the petitioner's counsel that even as per the First Information report, the recovery of counterfeit currency is alleged against co-accused, namely, Baidhyanath Sahni. Petitioner's implication is based only on statement of the said co-accused which has no evidentiary value. It is submitted that



the petitioner's implication is merely for the fact that some time back the petitioner was made accused in a similar case in Nautan PS Case No. 47 of 2015, in which, he is on bail. There is no recovery of any incriminating article even to suggest his implication and he is in custody now for merely one year. Co-accused Baidhyanath Sahni, from whom the counterfeit currency allegedly was recovered, has been allowed bail after being in custody for one year in Cr Misc No. 31389 of 2019.

The learned APP for the State has opposed the prayer for bail by submitting that petitioner has similar antecedent in the past.

Considering the rival submissions, 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 the learned Chief Judicial Magistrate, West Champaran, in connection with Nautan PS Case No. 136 of 2018, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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