

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20216 of 2023

Arising Out of PS. Case No.-375 Year-2022 Thana- CHHATAUNI District- East Champaran

Subodh Kumar, aged about 21 years, Male, Son Of Kishori Giri Resident Of
Village Kothia Ps Sheohar Dist Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Chhatauni P.S. Case No. 375 of 2022 dated 15.07.2022, instituted for the offences punishable under Sections 414, 420, 120(B), 468, 471, 489'B', 489'C'/34 of the I.P.C. and under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that on 15.07.2022 at about 05:10 pm, the informant with his team went near Jaiswal hotel as they received information about transaction of counterfeit currency. It is further alleged that at about 05:25 pm, the informant caught four persons including the petitioner on two motorcycles without requisite documents having counterfeit currency of Rs. 50,000/- in denomination of Rs. 500/- in bundles from each of the accused including the petitioner and one country made pistol from possession of one



co-accused was also recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner is neither concerned with the motorcycles nor with the counterfeit notes. The petitioner was told by the co-accused, Rajesh Kumar, after providing the vehicle that he had taken loan from someone and had to repay the same to the said person. Learned counsel submitted that no offences under Section 389-B is made out against the petitioner and Section 489-C is bailable one. There is no recovery of any fire arm from the possession of the petitioner and as such offences under the Arms Act is also not made out against the petitioner. Lastly, it has been submitted that the petitioner is in custody since 16.07.2022 and one criminal case is pending against the petitioner. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of the learned Additional Sessions Judge-19, East Champaran, Motihari in connection with Chhatauni P.S. Case No. 375 of 2022, subject to the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(iii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

annpurna/-

U		T	
---	--	---	--

