

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38342 of 2023

Arising Out of PS. Case No.-226 Year-2023 Thana- SHERGHATI District- Gaya

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DHARMENDRA YADAV S/O DEVAN SINGH R/O Village- Sudiya
Goraiya, PS. Mohanpur, Dist. Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner is in judicial custody in connection with Barachati (Mohanpur) P.S. Case No.226 of 2023 instituted under Section 489(b)(c) of the IPC lodged on 01.03.2023 by the informant Ramveer Kumar.

As per the FIR, informant of SSB 29th brigade and military intelligence, Danapur gave secret inform that A person is coming from Itwan village to Mohanpur with notes/counterfeit notes. Further allegation is that after giving information to the superior officer and a joint group of raiding party was made by the SSB Mohanpur A.S.I. Jawahar Prasad Verma. Further allegation is that at 19.35 a person was seen coming by foot who was stopped at Bihiya village by the raiding party. He disclosed his name and address whereafter



thereafter searched him and Rs. 500/- forged or counterfeit currency notes have recovered/seized. It is further alleged that seizure list was prepared and put his signature and given a copy of seizure list to the petitioner. On the basis of aforesaid fardbeyan, police drew a formal information report and registered a case bearing Barachati (Mohanpur) P. S. Case No. 226/2023 for the offence punishable under section 489 (B), (c) of the IPC. Accordingly, the FIR.

Learned counsel for the petitioner submits that contrary to the allegation, it was not a counterfeit forged currency notes and has been falsely implicated, is an agriculturist but due to the false implication is in custody since 01.03.2022 (as stated in para-14 of the petition).

Learned APP opposes the prayer for bail.

Considering the fact that he has remained in custody since 01.03.2022, do not have criminal antecedent and ultimately have to face the trial, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Barachati (Mohanpur) P.S. Case No.226 of 2023 to the satisfaction of



learned ACJM, Iind, Sherghati, Gaya , subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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