

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70597 of 2022

Arising Out of PS. Case No.-367 Year-2022 Thana- RAHUI District- Nalanda

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Nabi Haidar @ Nabbi Haidar Son of Sabi Haidar @ Sabbi Haidar Resident of Mohalla- Abdullapur Cantt, P.S.- Bhawanpur, District- Meerat (Uttar Pradesh), At present Mohalla- Gagandiwan, P.S.- Laheri, District- Nalanda(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Imteyaz Ahmad, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-03-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Rahui (Bhaganbigha) P.S. Case No. 367 of 2022 registered for the offence under Sections 420, 489(b) and 489(c) of the Indian Penal Code (for short 'I.P.C.').

The accused/petitioner is named in the F.I.R. and is in custody since 04.07.2022.

The allegation against the petitioner is to have in possession of counterfeit currency, total of Rs. 4,100/- (Rupees Four Thousand One Hundred).



Learned counsel appearing on behalf of the petitioner submitted that the person aggrieved to whom counterfeit currency was supplied by this petitioner, after purchasing the clothes appearing unknown from the face of F.I.R. It is submitted that no forensic report or report from relevant authority was obtained before submitting charge-sheet, which may suggest that alleged recovered currencies were counterfeit. It is also pointed out that the charge-sheet was submitted without naming the seizure list witnesses and it appears that police implicated petitioner falsely due to certain unexplained oblique motive. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the charge-sheet has been submitted in this case without obtaining the forensic/expert report of alleged recovered counterfeit currency, let the petitioner, above named, is directed to be released on bail in connection with Rahui (Bhaganbigha) P.S. Case No. 367 of 2022 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Nalanda at Bihar Sharif/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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