

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.355 of 2023

Arising Out of PS. Case No.-377 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

RAJU DUBEY Son of Ramdeo Dubey @ Late Sriram Dubey Resident of
Village - Ladhi Sarari, P.S.- Goreakithi, At present resident of Village -
Khurmabad, P.S.- Siwan Muffasil, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
06.07.2022 in connection with Siwan Muffasil P.S. Case No.
377 of 2022, F.I.R. dated 05.07.2022 for the offences punishable
under Sections 420, 489(B), 489(C), 120(B) of the Indian Penal
Code.

According to prosecution case, in brief is that on
05.07.2022, on the basis of secret information at about 13:30 a
raid was conducted and Raju Dubey was arrested. On search of
his body 16 currency notes of rupees 100 and 28 currency notes
of rupees 200, total Rs.7200/- was found which appears to fake
notes and the same was seized in present of witnesses.



Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that altogether Rs.7200/- was found which appears to take notes and the same was seized in the presence of the witnesses. He further submits that bare perusal of the F.I.R. it appears that only offence under Section 489(C) of the I.P.C. is made out against the petitioner and without forensic examination, the petitioner has implicated in the false and fabricated cases. He further submits that without F.S.L. report the charge sheet has been submitted against the petitioner and it appears from the F.S.L. report that the F.S.L. report has come after the filing of the charge sheet i.e. on 09.12.2022. He further submits that the police after investigation submitted the charge sheet against the petitioner on 26.07.2022 and the petitioner is in judicial custody since 06.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the recovered notes were found fake notes. He further submits that the petitioner carries eight criminal antecedents other than the present one and petitioner is on bail in all the cases.



Considering the aforesaid facts and circumstances, 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, Siwan in connection with Siwan Muffasil P.S. Case No. 377 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of



bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

mdrashid/-

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

