

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46674 of 2024

Arising Out of PS. Case No.-676 Year-2023 Thana- KUDHNI District- Muzaffarpur

Rahmat Ali S/o Late Taiyab Ali @ Taiyab Miya R/o Village-Bhikanpura, P.S.-
Goraul, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv.

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Kudhani P.S. Case No. 676 of 2023 (G.R. No. 3978 of 2023)
instituted for the offences under Sections 420, 489(B), 468,
471, 34 of the Indian Penal Code.

3. As per prosecution case, on receipt of secret
information from Army Intelligence, Lucknow, the Informant
along with other police personnel, reached at the place of
occurrence and arrested four persons from there. On search, the
police recovered counterfeit notes from the petitioner, Md.
Rehmat Ali and co-accused Nand Kishore Paswan, Manoj
Kumar and Md. Rizwan. It is alleged that six counterfeit notes
of Rs. 50/- were recovered from the possession of the
petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the physical/conscious possession of the petitioner. The alleged motorcycle seized from the place of occurrence does not belong to the petitioner. He is also not the owner of the alleged motorcycle. He further submits that the alleged counterfeit notes were not sent to any expert body or the F.S.L. to determine as to whether the said currency is genuine or not. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has two criminal antecedents and is languishing in judicial custody since 05.12.2023 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Md. Rizwan @ Md. Rijwan has been granted bail by this Court vide order dated 10.05.2024 passed in Cr. Misc. No. 21695 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner submitting that the petitioner is named accused in the F.I.R. and has criminal antecedents of similar nature of offence and, thus,



he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kudhani P.S. Case No. 676 of 2023 (G.R. No. 3978 of 2023), subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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