

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10179 of 2016

Arising Out of PS.Case No. -545 Year- 2015 Thana -MADHEPURA District- MADHEPURA

- =====
1. SANJEEV @ SANDEEP JHA S/o Late Birendra @ Bir Narayan Jha,
Resident of Village - Dighghi, P.S. - Murliganj, District - Madhepura.
 2. Md. Azad @ Aftab, S/o Md. Ashtar, Resident of Village -
Panchgachhiya, P.S. - Muriganj, District - Madhepura.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Kundan Kumar Singh, Advocate
	:	Mr. Manoranjan, Advocate
	:	Mr. Sanjay Kumar, Advocate
	:	Mr. Sanjay Singh, Advocate
For the Opposite Party/s	:	Mr. Murli Dhar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-05-2016 Heard learned counsel for the petitioners and learned

APP for the State.

The petitioners apprehend their arrest in connection with Madhepura (Bharrahi O.P.) P. S. Case No. 545 of 2015 for offences alleged under Sections 406, 419, 420, 467, 468, 471, 489(B)(C), 120(B) and 34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that the informant, S.H.O. of Bharrahi Outpost police along with other police officials, C.O., Madhepura and other police personnel during vehicle checking caught Nand Kishore Yadav and Manish Kumar, who were riding on a motor-cycle, near



Iron-bridge diversion and searched the body of Nand Kishore Yadav and Manish Kumar in presence of two independent witnesses and in course of search one black colour purse containing a currency note of one million dollar with a paper of certificate of authenticity of American bank Note Company its laminated photocopy, two plates like gold has been recovered from inside the pocket of the shirt of Manish Kumar and further ATM Card, Pan Card, one Samsung mobile etc. have been recovered from the pocket of full pant of Nand Kishore Yadav, who was driving the motor-cycle and accordingly a seizure list of aforesaid recovered articles and a white colour Glamour motor-cycle bearing no. BR-13-0548 was prepared and the copies of the seizure-list has been furnished to the petitioner and the co-accused Manish Kumar. It has further been alleged that during interrogation the above named apprehended two accused persons disclosed that they obtained the above currency note from the petitioner no. 2 Md. Azad alias Aftab and they also disclosed the involvement of the petitioner no. 1 Sanjeev alias Sandeep Jha and others in the said occurrence.

It has been submitted by the learned counsel for the petitioners that they are innocent having no criminal antecedent as is evident from para-3 of this application and the allegation

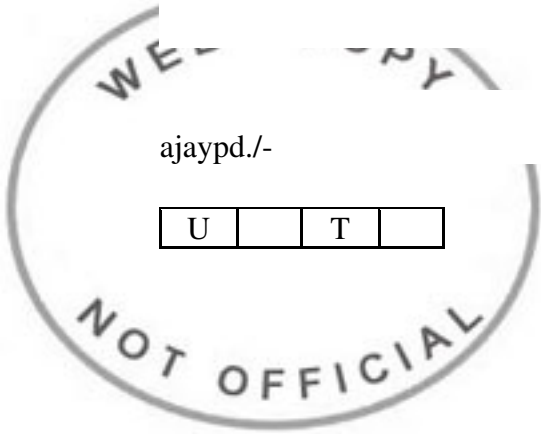


of keeping currency note and golden plates were not found from the conscious possession of the petitioners rather on the confession of the co-accused Nand Kishore Yadav and Manish Kumar, the petitioners' name surfaced. He submits that proper testing as to whether the note of one million dollar found was actually currency or not the petitioners have been implicated. He further submits that there is no chance of the petitioners' absconding or tampering with the evidence.

However, the learned APP for the State submits that although, on the confessional statement of co-accused persons, the name of the petitioners surfaced, but, opposes the prayer of bail.

Be that as it may, since the confessional statement of the co-accused persons have no evidentiary value in the eye of law and nothing has been recovered from their possession, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Bharrahi O.P.) P. S. Case No. 545 of 2015, subject to the

conditions as laid down under Section 438(2) of the Cr.P.C.



(Nilu Agrawal, J)