

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2794 of 2022

Arising Out of PS. Case No.-257 Year-2021 Thana- MOTIPUR District- Muzaffarpur

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Raja Kumar Singh Son Of Braj Kishore Singh R/O Village- Ratan Sayar, P.S.-
Patahi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shiva Shankar Sharma, Advocate
		Mr. Arun Kumar Sinha, Advocate
For the Opposite Party/s :		Mr.Surendra Kumar,APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Motipur P.S. Case No. 257 of 2021 registered for
the alleged offences under Sections 420, 120(B), 468, 471, 489(B),
489(C) and 34 of the Indian Penal Code.

As per prosecution case, police received secret
information about smuggling of fake currency notes by some
miscreants and making of a deal by such smugglers. A raid was
conducted and from a scorpio vehicle, this petitioner and other co-
accused persons were apprehended and from possession of this
petitioner recovery of 5 bundles of denomination of Rs. 100/- total

amounting to Rs. 50,000/- had been shown and the notes were stated to be counterfeit.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. From the prosecution story as it appears from the F.I.R. that only allegation which could be fastened upon this petitioner is for offence under Section 489(C) which is bailable in nature. Though the recovery has been shown from the spot but on the seizure list at the top of it, Motipur P.S. Case No. 257 of 2021 has been mentioned which shows fabrication and concoction of the seizure list. It also shows that the seizure list was not prepared at the spot and it was prepared after registration of the case. There is no independent witness to the seizure list and both the witnesses are official witnesses. Charge sheet has been submitted in this case and the petitioner is in custody since 03.08.2021. The petitioner has got no criminal antecedent. Other co-accused persons namely Sunita Devi and Chitranjan Kumar have been granted bail vide order dated 16.09.2022 passed in Cr. Misc. No. 33781 of 2022 by this court.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the recovery of fake currency notes amounting to Rs. 50,000/- has been made from this petitioner who was apprehended with other co-accused persons,

who were also in possession of fake currency notes of various denomination. The co-accused persons who were granted bail were not found in possession of any fake currency notes. The bail petition of other co-accused persons with whom the recovery has been made has been denied by this court vide order dated 30.08.2022 passed in Cr. Misc. No. 63406 of 2021.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of allegation which is quite grave and serious, I am not inclined to enlarge the petitioner on bail at this stage. Hence, his prayer for bail is rejected.

However, the learned trial court was earlier directed to take all steps for early conclusion of trial and conclude the same within a period of six months vide order dated 30.08.2022 passed in Cr. Misc. No. 63406 of 2021, it is expected that learned trial court will adhere to the time limit stipulated by this court.

However, the petitioner will be at liberty to renew his prayer for bail if the trial is not concluded within the said period.

(Arun Kumar Jha, J)

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