

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1512 of 2022**

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

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Rakesh Mahto, S/o Chhathu Mahto, Resident of Village - Ratan Sayar, P.S.-
Patahi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 7784 of 2022

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

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Golu Singh @ Santosh Kumar, Son of Vijay Singh, Resident of Village- Bara
Shankar, P.S.- Patahi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 1512 of 2022)

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

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

(In CRIMINAL MISCELLANEOUS No. 7784 of 2022)

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-10-2022 Since both the applications arise out of Motipur P.S.

Case No. 257 of 2021, as such, they have been taken up together

and are being disposed of by this common order.

Heard learned counsel for the petitioners 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 petitioners seek bail in connection with Motipur P.S. Case No. 257 of 2021 registered for the alleged offences under Sections 420, 120B, 468, 471, 489(B), 489(C) and 34 of the Indian Penal Code.

As per prosecution case, on receipt of secret information about the smugglers of fake currency notes likely to make a deal, the petitioners and other co-accused persons were apprehended from a four wheeler at an identified place and from search of the co-accused persons, huge cache of fake currency notes as well as genuine notes of different denominations were recovered.

The learned counsels for the petitioners submit that the petitioners are innocent and have been falsely implicated in this case. They have no concern with the allegedly recovered fake currency notes. No recovery has been made from their conscious possession though the recovery has been made from other co-accused persons and the vehicle in question. The petitioner Golu Singh is the driver of the vehicle and he has been taking his vehicle from Motihari to Muzaffarpur as the same was hired by co-accused Ajay Mahto after payment to take his wife for treatment to S.K.M.C.H., Muzaffarpur. The co-



accused persons, namely Sunita Devi and Chitranjan Kumar have been granted bail by this Court vide order dated 16.09.2022 passed in Cr. Misc. No. 33781 of 2022. Charge-sheet has been submitted in this case and the petitioners are in custody since 03.08.2021. They have no criminal history.

Learned APP opposes the prayer for bail made on behalf of the petitioners.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioners and similarly placed co-accused persons have been granted bail and further considering the submission of charge-sheet against the petitioners along with their clean antecedent and period of custody, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-2nd, (West), Muzaffarpur, in connection with Motipur P.S. Case No. 257 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.



(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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