

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20017 of 2022

Arising Out of PS. Case No.-385 Year-2021 Thana- KHAIRA District- Saran

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Dhiraj Singh Son Of Late Yogendra Singh, Resident Of Village- Chatra Patra,
Police Station- Kopa, District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vipin Kumar Singh, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 02-09-2022 Let the defects, as pointed out by the Office, be removed within a period of two weeks from today.

Heard learned counsel for the petitioner and learned APP for the state.

Petitioner seeks regular bail in connection with Khaira P.S. Case No. 385 of 2021 lodged under Sections 489(A), 489(B), 489(C) and 489(D)/34 of the Indian Penal Code.

As per the prosecution, upon secret information about forged currency notes, the police party reached at the house of accused Shoeb Raja from where currency notes and a printing machine to print the forged currency notes were recovered and seized on the basis of the confessional statement of said Shoeb Raja. A raid were made on the house of other co-accused

persons and from where recovery of currency notes were made.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that his name transpired in this case by virtue of the confessional statement of the co-accused. He further submits that nothing incriminating material or any other incriminating evidence has been obtained or recovered by the investigating agency from the possession of the petitioner. He further submits that the confessional statement of co-accused before the police is not admissible. He further submits that petitioner is in custody since 11.01.2022 and charge sheet has already been filed in this case. He also submits that the petitioner has clean antecedent and he is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court. He fairly submits that bail application of other co-accused from whose possession recovery of fake currency notes and printing machines were made have been rejected by the Co-ordinate Bench of this Court.

Learned counsel for the State opposes the prayer for bail and submits that case diary has been called for in this case, recovery from the house of other co-accused has taken place but from the present petitioner nothing was recovered and his antecedent is clean. His name has figured in this case by virtue

of confessional statement only.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Khaira P.S. Case No. 385 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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