

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18039 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- Brahmpur District- Buxar

Ashok Pandey Son of Bashishtha Narayan Pandey Resident of Village -
Janari, P.S. - Dubahar, District - Ballia (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 18699 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- Brahmpur District- Buxar

Vivek Kumar Pandey Son of Uma Shankar Pandey Resident of Village -
Janari, P.S.- Dubhar, District - Balliya (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 29856 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- Brahmpur District- Buxar

Rajeev Ranjan Pathak @ Jhunna Pathak Son Of Sachidanand Pathak R/O
Village- Neazipur, P.S.- Simari, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 18039 of 2022)
For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv. with
Mr. Lakshmikant Sharma, Adv.
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP
(In CRIMINAL MISCELLANEOUS No. 18699 of 2022)
For the Petitioner/s : Mr. Binod Kumar Singh Adv. with
Mr. Alka Singh, Adv.
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP
(In CRIMINAL MISCELLANEOUS No. 29856 of 2022)
For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Adv. with

For the Opposite Party/s : Mr. Rang Nath Choubey, Adv, and
Mr. Rajeev Ranjan, Adv.
Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 25-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.Ps. for the State.

All the three cases have arisen from one P.S. that is
Brahampur (Chakki) Case No. 52 of 2022 lodged under
Sections 120B, 420, 489(A), 489(B), 489(C) of the I.P.C.

As per the prosecution case, the informant (ASI) upon
secret information about trading of counter fitting notes had raid
near Hanuman Temple situated at a near by place from Koilwar
Dam. In this raid the police has apprehended 3 persons
(petitioners). According to prosecution, recovery of 232 pieces
of Rs. 200/- notes having Serial No. 4AR 452492 and 246
pieces of Rs. 200/- having Serial No. 8AF 701063, total fake
currency Rs. 95,600/- along with android mobile made from
petitioner no.1 (Ashok Pandey).

From petitioner no. 2, namely, Vivek Kumar Pandey,
247 pieces of Rs. 200/- note having Serial No. 5BK 750490
total fake currency Rs. 49,400/-, one Mobile of Samsung
Company and one Hero Honda Splendor Motorcycle recovered.

From the possession of petitioner no. 3, namely, Rajeev Ranjan Pathak @ Jhunna Pathak 241 piece of Rs. 200/- bearing Serial No. 1CA 352196, 5 notes of Rs. 500/- bearing Serial No. 4KS 853004, 7 notes of Rs. 500/- bearing Serial No. 6AA 898682 and 4 notes of Rs. 500/- bearing Serial No. 6AA 898681, total Rs. 56,200/- fake currency, Airtel Mobile with sim were alleged to be recovered from their conscious possession. On the basis of which present case has been lodged.

Learned counsel for the petitioner Ashok Pandey submits that there is discrepancy in the seizure list statement and the statement made by the witnesses of seizure list about the total number of seized notes. He submits that petitioner is in custody since 01.02.2022, charge sheet has already been filed and petitioner has clean antecedent.

Counsel for the petitioner, namely, Vivek Kumar Pandey submits that it is false case filed against him. He also submits that petitioner has been arrested on 01.02.2022, charge sheet has been filed against him. In the petition, it has been stated that no criminal antecedent but he argued that this wrong statement has come only due to mis-information by the Pairvikar of the petitioner. Actually, there are two more cases pending against him outside the State but this fact has been

figured in the case diary about the criminal antecedent of this petitioner.

Learned counsel for third petitioner, namely, Rajeev Ranjan Pathak @ Jhunna Pathak submits that the said seizure list has been made in complete violation of Section 100 of the Cr.P.C. He submits that as per law, the denomination and details of each note recovered have to be described which is lacking. He further submits that which particular note was sent for FSL is also lacking their. He further submits that there is no clear cut indication that before whom such notes were seized and as such no offence under Section 489A, 489B and 489C are made out. He also submits that petitioner is in custody since 01.02.2022, charge sheet has already been filed and petitioner has 2 cases but under Excise Act only and in those cases he is on bail.

Learned counsel for the State opposes the prayer for bail and submits that admittedly the counter fit currency notes were found from the possession of all the 3 petitioners and doing such activity is not only a crime against individual but it is a crime against the nation as a whole.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant the bail to the petitioners, therefore, the bail petition of all the 3

petitioners are hereby rejected.

The liberty is hereby granted to the petitioners to
renew their bails applications four months after framing of the
charge in this case.

(Dr. Anshuman, J)

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