

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33781 of 2022

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

1. Sunita Devi, Wife of Ajay Mahto, Resident of Village- Ratansaayar, P.S.- Patahi, District- East Champaran.
2. Chitranjan Kumar @ Chitranjan Kumar Mahto, Son of Ajay Mahto, Resident of Village- Ratansaayar, P.S.- Patahi, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-09-2022 Heard learned counsels for the petitioners and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

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

As per the prosecution case, the police received secret information about the smugglers of counterfeit currency notes would be making a deal and the petitioners and other co-accused persons were apprehended from a Scorpio vehicle at the identified place and from search of other co-accused persons,



genuine as well as fake currency notes of different denominations were recovered.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioner no.1 is a lady aged about 51 years and the petitioner no.2 is her son who was taking her to the doctor. The petitioner no.1 was seriously ill and was being taken to Patna for her treatment by her two sons, namely the petitioner no.2 Chitranjan Kumar Mahto and co-accused Madhuranjan Kumar Mahto in a shared vehicle of co-accused Golu Singh which was being driven by him. Apart from the above-named persons, the co-villagers of the petitioners, namely Raja Kumar Singh and Rakesh Mahto were also sitting in the said vehicle. A bag containing counterfeit currency notes was recovered and its owner was allowed to go scotfree by the police after taking illegal gratification. The husband of the petitioner no.1 was not even present, but he was called at the spot and when he could not meet the illegal demands of police personnel, he along with his two sons and wife was made accused in this case. The prosecution story against the petitioners is not convincing as no person would travel together with entire family including the old and ailing petitioner no.1 and sons for the purpose of



committing the offence in question. Though the occurrence is stated to have taken place in the broad daylight, but there was no independent witness to join the investigation and to support the case of the prosecution. The CCTV footage of Motipur Police Station will also show that the husband of the petitioner no.1 came there in the evening of 02.08.2021 and was not in the vehicle in question. The learned counsel further submits that even on the facts of the case, no recovery has been shown from these two petitioners and hence, for this reason, no offence would be made against them. There is delay of about 12 hours between the occurrence and the registration of the FIR and this time was spent by the informant in making bargain from the persons involved. The learned counsel further submits that probability of false implication is much more stronger than the actual involvement of the petitioners in the offences as alleged. The petitioners are in custody since 02.08.2021 and are having clean antecedent. The charge sheet has been submitted in this case.

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

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that no



recovery has been shown from the petitioners and the petitioner no.1 is a lady and the petitioner no. 2 is her son who is just aged about 23 years and further considering the submission of charge sheet and period of custody of the petitioners, they 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-2, 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 bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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