

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71398 of 2021

Arising Out of PS. Case No.-69 Year-2021 Thana- SAHODARA District- West Champaran

1. Rishikesh Kumar, Son Of Sri Adalat Mukhiya, Resident Of Village- Briyarpur, P.S- Nautan, Dist- West Champaran
2. Krishna Mukhiya, Son Of Sri Adalat Mukhiya, Resident Of Village- Tedhi Kuiya, P.S- Shikarpur, Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Union Of India through the Inspector General, S.S.B. Frontier Head Quarter at Patna Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Chandra Verma, Advocate
For the State	:	Mr.Choubey Jawahar, APP
For SSB	:	Mrs. Punam Kumari Singh, CGC

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 12-10-2022 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 Sahodara P.S. Case No. 69 of 2021, registered for the alleged offence under Sections 489-A, 489-B, 489-C/34 of the Indian Penal Code.

As per prosecution case, SSB received information about some persons bringing counterfeit currency notes and a trap was laid and the petitioners were apprehended and from



their possession, counterfeit currency notes of 7500/- were recovered.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case on suspicion as the petitioners are full brothers and going to the house of their sister and they were stopped and apprehended. Even on the facts of the FIR, it is clear that there is no allegation of counterfeiting or performing any part of the process of counterfeiting the fake currency notes, so there would not be any application of Section 489(A) IPC. Similarly, Section 489 (B) IPC would not be applicable as the petitioners were not knowing that the notes were fake and they did not use the seized notes as genuine ones. Only offence for which the petitioners could be made liable would be covered under Section 489 (C) IPC for possession of counterfeit currency notes and the said offence is bailable in nature. The learned counsel further submits that the petitioners are in custody since 12.08.2021 and the charge sheet has been submitted.

The learned counsel appearing on behalf of SSB submits that the petitioners were apprehended with the counterfeit currency notes in their possession which they intend to use and the petitioner no.2 is having criminal antecedent and



he is an accused in four other cases.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the nature of recovery along with 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 Judicial Magistrate-1st Class, Bettiah, West Champaran, in connection with Sahodara P.S. Case No. 69 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner no.2 will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioners.
- (iii) The petitioners will remain present on each and every date fixed by the court below.
- (iv) 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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