

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63406 of 2021

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

Manjit Kumar Singh, S/o- Prem Kishore Singh, Resident of Village-
Ramnagar, P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 72512 of 2021

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

Manoj Mahto @ Manoj Kumar Mahto @ Manoj Kumar, S/o Gajadhar Mahto,
Resident of Village - Shekhpurwa, P.S. - Pakridayal, District - East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63406 of 2021)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

(In CRIMINAL MISCELLANEOUS No. 72512 of 2021)

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

6 30-08-2022 Since both the applications arise out of Motipur P.S.

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

and are being disposed of by this common order.

Heard learned counsels 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 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 near a vehicle at the identified place. From the petitioners and other co-accused persons and the vehicle in question, genuine as well as fake currency notes of different denominations were recovered. From the petitioner Manjit Kumar Singh, 100 fake currency notes of the denomination of Rs.100 were recovered apart from Rs. 50,000/- of genuine currency notes of denomination of Rs.500/-. From the petitioner Manoj Mahto, counterfeit currency of Rs.50,000/- of denomination of Rs.100/- was recovered. Further prosecution case is that the co-accused along with the petitioner Manoj Mahto have come to Muzaffarpur to get the counterfeit notes circulated in the town and the petitioner Manjit Kumar



Singh was given a sample for further dealing.

The learned counsel for the petitioner Manjit Kumar Singh submits that the prosecution case against this petitioner is completely false and fabricated. The petitioner runs a shop and has been dealing with the business of cement and iron rod. This petitioner has gone to market to purchase cement and iron rod and CDR of mobile phones would show the petitioner was present in the market during the relevant time when he has allegedly been arrested. The learned counsel further submits that though the accused persons were shown to have been arrested on 02.08.2021, but the news of their arrest was flashed in the local newspaper in the morning of 02.08.2021, which goes on to show that this petitioner and other co-accused persons were arrested on 01.08.2021 or even prior to that. No counterfeit currency note was recovered from this petitioner and all the notes recovered from his possession are genuine notes. Even in the video recording of Superintendent of Police, Muzaffarpur dated 02.08.2021, he has stated about arrest of only three persons from the Scorpio vehicle and he further stated that on their statements, other persons were arrested from different places. This also shows that the petitioner has been falsely implicated in this case. The learned counsel further submits that



if the allegation is taken on its face value, then the petitioner can be charged only for possessing the counterfeit currency notes and so, Section 489 (C) of the Indian Penal Code would be applicable in his case which is bailable in nature. The petitioner is in custody since 03.08.2021 and the charge sheet has been submitted in this case.

The learned counsel appearing on behalf of the petitioner Manoj Mahto while adopting the argument made on behalf of the petitioner Manjit Kumar Singh submits that this petitioner has nothing to do with the Scorpio vehicle from which the recovery has stated to be made and he was merely a passenger on the vehicle and has no knowledge about the fake notes. This petitioner is in custody since 03.08.2021 and the charge-sheet has been submitted in his case.

Learned APP opposes the prayer for bail submitting that the petitioners and other co-accused persons were apprehended at the spot with fake currency notes and they were involved in dealing with the counterfeit currency notes. The issues raised on behalf of the petitioners regarding discrepancies in the prosecution case are subject matter of trial and at the time of hearing of bail petition, such matters ought not to be taken into consideration. The learned APP further submits that the



prosecution case has been duly supported by the witnesses in paragraphs 14, 15, 16 & 17 of the case diary. Further two reports have been filed on behalf of the Senior Superintendent of Police, Muzaffarpur wherein he has explained the circumstances and answered the queries raised on behalf of the petitioners.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and for the moment considering the grave nature of allegation against the petitioners notwithstanding the issues raised regarding the prosecution case and procedure adopted by the police, I do not think it is a fit case for grant of bail to the petitioners since the matter relates to the health of the economy of the country and the allegations are quite serious.

Hence, their prayer for bail is rejected.

However, the learned trial court is directed to take all steps for early conclusion of trial and conclude the same preferably within a period of six months and the prosecution is expected to take all steps for early conclusion of trial.

The Senior Superintendent of Police, Muzaffarpur is directed to extend all help and produce the witnesses on each and every date fixed in the case for the said purposes.



Any non-compliance would be viewed seriously.

(Arun Kumar Jha, J)

V.K.Pandey/-

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