

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22879 of 2023

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

Manjit Kumar Singh S/O Prem Kishore Singh R/O Village- Ramnagar, P.S-
Gaighat, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 37903 of 2023

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

Manoj Mahto @ Manoj Kumar Mahto @ Manoj Kumar Son Of Gajadhar
Mahato Village Shekhpurwa Ps Pakridayal District East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22879 of 2023)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Nirmala Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 37903 of 2023)

For the Petitioner/s : Mr.Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 21-06-2023 Since both the applications arise out of Motipur P.S.

Case No. 257 of 2021 dated 02.08.2021, as such, they have been

taken up together and are being disposed of by this common

order.

2. Heard learned counsels for the petitioners as well as

learned APP for the State.



3. In the present case, the petitioners seek bail in connection with Sessions Trial No. 340 of 2022 arising out of Motipur P.S. Case No. 257 of 2021 registered on 02.08.2021 for the alleged offences under Sections 420, 120(B), 468, 471, 489(B), 489 (C) and 34 of the Indian Penal Code.

4. A supplementary affidavit has been filed on behalf of the petitioner-Manjit Kumar Singh submitting that petitioner was granted provisional bail by this Court on account of deteriorating health condition of his father who died on 11.05.2023 and after completing the last rituals, the petitioner surrendered in the learned court below on 26.05.2023. Learned Senior counsel appearing on behalf of the petitioner submits that there has been a delay of one day in surrendering before the learned court below, but it was occasioned due to the said demise of the father of the petitioner. The said supplementary affidavit is taken on record.

5. As per the prosecution case, police received secret information about smuggling of counterfeit currency notes and the petitioners and other co-accused persons were apprehended from certain identified place with genuine as well as fake currency notes of different denomination. 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.

6. Learned counsels for the petitioners submit that this is the second attempt of the petitioners to seek bail from this Court. Earlier their prayer for bail of the petitioners were rejected vide order dated 30.08.2022 passed in Cr. Misc. No. 63406 of 2021.

7. Learned senior counsel appearing on behalf of petitioner-Manjit Kumar Singh submits that the mother of the petitioner, namely, Manjit Kumar Singh is seriously ill and there is no male member available in his family to take care of her. In the instant case, prosecution evidence has been closed and the matter was fixed for recording of statement under Section 313 Cr.P.C., but an application under Section 311 Cr.P.C. has been moved on behalf of prosecution for recalling the witness and there is least possibility of early conclusion of trial due to the approach of the prosecution. Other co-accused persons have been granted bail vide order dated 16.09.2022 passed in Cr. Misc. No.33781 of 2022 and order dated 19.10.2022 passed in Cr. Misc. Nos. 1512 of 2022 and 7784 of 2022, respectively by



this Court as well as other co-accused persons have been granted bail vide order dated 09.01.2023 passed in Cr. Misc. Nos. 40029 of 2022 and 40575 of 2022 by a Coordinate Bench of this Court. Learned senior counsel further submits that petitioner is neither the owner the vehicle from which the petitioner and other co-accused persons are shown to be apprehended nor has any concern with the alleged occurrence. The police has manufactured this case as it has been alleged that petitioner and other co-accused persons were arrested on 02.08.2021 at about 7:45 am but in the daily newspapers, news item was published on the same day in the morning about arrest of the petitioner and other co-accused persons. This also shows that there was no recovery from the petitioner and he was falsely implicated in this case. The witnesses of the seizure list are police personnel. There are other circumstances like mobile recording of press conference of S.P., Muzaffarpur dated 02.08.2021 and CCTV footage which were not produced by the police of the concerned police stations which would go on to show the innocence of the petitioner. The petitioner is in custody since 03.08.2021 and charge-sheet has been submitted in this case.

8. It has been submitted on behalf of petitioner Manoj



Mahto that the petitioner has nothing to do with the vehicle from which the recovery is stated to have been 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 prosecution evidence has been closed in this case but the prosecution has moved application for reopening the evidence.

9. Learned APP oppose the prayer for bail submitting that the petitioners have been dealing in counterfeit currency notes and they are a part of a gang operating in smuggling of the counterfeit notes.

10. Having regard to the submissions made on behalf of the parties and submission made on behalf of the parties and considering the delay in concluding the trial by the prosecution and further taking into consideration the period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Muzaffarpur/court concerned in connection with Sessions Trial No. 340 of 2022 arising out of Motipur P.S. Case No. 257 of 2021 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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)

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