

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35508 of 2023

Arising Out of PS. Case No.-110 Year-2021 Thana- GORIAKOTHI District- Siwan

Suresh Kumar Son of Deo Kishore Sah @ Deo Kumar Sah Resident of
Village- Goreakothi, P.S.- Goreakothi, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 26-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Goriyakothi P.S. Case No. 110 of 2021 registered on 24.06.2021 for the alleged offences under Sections 489(A), 489(B), 489(C) and 489(D) of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. This is the second attempt of the petitioner to seek bail from this Court. Earlier his prayer for bail was rejected by this Court vide order dated 17.10.2022 passed in Cr. Misc. No. 4684 of 2022 with liberty to the petitioner to renew his prayer for bail, if the trial was not concluded within a period of six months.



4. As per prosecution case, police received secret information about co-accused Banti Kumar and others for being involved in printing and trading of counterfeit currency notes. A raid was conducted at the house of co-accused Banti Kumar and petitioner along with other co-accused persons were apprehended. From the waist of accused Banti Kumar, a loaded country made pistol along with one live cartridge were recovered. From the house of this petitioner further recovery of a printer along with a large number of semi prepared counterfeit currency notes of denomination of Rs. 2,000/-, Rs. 200/- and Rs. 100 total amounting to Rs. 3,15,750 were made. From the house of the petitioner further recovery of counterfeit currency notes of different denomination amounting to Rs. 2,05,000/- was made. Similarly, from the house of co-accused Ranjit Kumar counterfeit currency notes of different denomination amounting to Rs. 95,350/- was recovered.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that earlier the prayer for bail of the petitioner was rejected by this Court vide order dated 17.10.2022 passed in Cr. Misc. No. 4684 of 2022.



While rejecting the bail of the petitioner took into account the undertaking given by the learned trial court that the trial was likely to be concluded within a period of six to nine months and this Court was also directed the learned trial court to conclude the trial within a period of six months and granted liberty to this petitioner that if the trial was not concluded within the stipulated period, the petitioner might renew his prayer for bail. Learned counsel further submits that after framing of charge on 28.09.2022, none of the prosecution witnesses has been examined. There are nine charge-sheet witnesses and it is obvious that there is no chance of trial being concluded in near future. Learned counsel further submits that there has been no recovery of any fake currency notes from the house of the petitioner which is a joint house inhabited by a large number of people. Moreover, the notes recovered and said to be fake currency notes are rather the notes used for playing game and for this reason the police planted and showed recovery of one country made pistol with live cartridge from this petitioner. The petitioner is in custody since 24.06.2021, i.e., for more than two years and there is no chance of conclusion of trial in near future and the prayer for bail of the petitioner may be allowed.



6. Learned APP opposes the prayer for bail submitting that recovery of counterfeit currency notes were made from the house of the petitioner.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and also considering the fact that there is no chance of early conclusion of trial before the learned trial court, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Siwan /concerned court in connection with Sessions Trial No. 46 of 2022, arising out of Goriyakothi P.S. Case No. 110 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 petitioner.

(ii) The petitioner 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 bonds of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

