

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59453 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- BHAIKAVSHTHAN District- Madhubani

Wipul Jha @ Bipul Jha Son of Bhagwat Jha Resident of Village- Tharuwahi,
P.S- Laukahi, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 26-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 22.03.2022 in connection with Bhairav Asthan P.S. Case No. 18 of 2022, F.I.R. dated 19.01.2022 for the offences punishable under Sections 420, 419, 489A, 489B, 489C and 489D/34 of the Indian Penal Code.

4. According to prosecution case, the informant upon secret information by the senior officials about the movement of the smugglers with counterfeit currency intercepted an auto from where the co-accused, Prem Kumar Kamti was



apprehended and it is alleged that from him Rs. 13,00,100/- of counterfeit currency was recovered and the other accused persons including this petitioner fled away from the place of occurrence.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the name of the petitioner has been transpired due to the disclosure made by the co-accused, namely, Prem Kumar Kamti. He further submits that from perusal of the F.I.R. as well as seizure list it appears that no incriminating article has been recovered from the possession of the petitioner rather the recovery has been made from the co-accused, Prem Kumar Kamti. He further submits that as per the disclosure made by the co-accused person, this petitioner along with other accused persons have fled away from the place of occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Prem Kumar Kamti has been granted bail by a co-ordinate Bench of this Court vide order dated 21.06.2023 passed in Cr. Misc. No. 23717 of 2023. The petitioner is in custody since 22.03.2022.

6. Despite of several indulgence given to the learned



counsel for the State, the learned counsel for the State was not able to produce the F.S.L. report in the present case.

7. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

8. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Jhanjharpur in connection with Bhairav Asthan P.S. Case No. 18 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation



of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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