

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78034 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- MAJORGANJ District- Sitamarhi

1. MD RIZWAN @ RIJWAN ALAM @ MOHAMMAD RIZWAN S/O MOHMMAD ABDUL SATAR @ SATAR VILLAGE- MAJORGANJ, WARD NO. 7, MAJORGANJ, PS. MAJORGANJ, DIST. SITAMARHI
2. MD. IRSHAD @ MOHAMMAD IRSHAD @ NISHAD ALAM S/O MANJUR ALAM @ MANJUR VILLAGE- MAJORGANJ, WARD NO. 3, MAJORGANJ, PS. MAJORGANJ, DIST. SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jagjit Roshan, Adv.

For the Opposite Party/s : Mr.Mohammad Sufyan, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-12-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in Majorganj P.S. Case No. 119 of 2023 registered for the offences punishable under Sections 420, 467, 468, 489 (D), 34 of the Indian Penal Code.

3. Allegedly, a huge quantity of Indian and Nepali fake currency notes and other articles have been recovered from the bag belongs to apprehended co-accused Asmat Ali, who disclosed the name of the petitioners.

4. It is submitted by learned counsel for the petitioners



that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. They have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. Nothing has been recovered from the physical possession of the petitioners. There is violation of Section 100 Cr.P.C. They were not apprehended on the spot. There is nothing on record to indicate the complicity of the petitioners barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Per contra, learned APP for the State vehemently opposing the bail petition submitted that there is serious allegation against the petitioners, hence they do not deserve anticipatory bail.

6. Considering the facts and circumstances of case as well as nature of the offence, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected.

7. However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail,



the learned Court below shall pass order on the same day in
accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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