

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48101 of 2024

Arising Out of PS. Case No.-125 Year-2024 Thana- KOTWA District- East Champaran

Ram Chandra @ Ram Chandra Sharma @ Ramji, Son of Late Darshan
Sharma, R/o Village -Ramchandrapur, P.S.-Deoriya District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and Mr. Satyendra Narayan Singh, learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Kotwa P.S. Case No. 125 of 2024 registered
for the offences punishable under Sections 467, 468, 489-A,
489-B, 489-C and 489-D/34 of the Indian Penal Code.

3. The police on a tip-off trafficking of counterfeit
notes, apprehended two accused persons who are coming on a
motorcycle. In course of search, from the co-accused Jamil
Akhtar, altogether cash of Rs.10,90,000/- counterfeit notes of
single denomination of Rs. 500/- was recovered whereas from
the possession of co-accused Mukesh @ Mukesh Rajbhar, Rs. 2



lac of the same denomination was recovered and, as such, total Rs.12,90,000/- counterfeit notes were recovered. The apprehended persons disclosed that the counterfeit notes are to be handed over to this petitioner and earlier also they have handed over the counterfeit notes to him.

4. Mr. Thakur, learned counsel for the petitioner, advertng to the allegations made in the FIR, firstly contended that admittedly the name of the petitioner has surfaced on the disclosure made by the apprehended accused persons. On the afore-noted disclosure, the house of the petitioner was raided, however, no incriminating material, much less a single piece of counterfeit note was recovered. The police recorded the confessional statement of the petitioner and save and except the confessional statement accepting his involvement in the crime, there is no material suggesting complicity of the petitioner. The confessional statement even if taken by the police is not admissible in evidence and hit by Sections 25 and 26 of the Indian Evidence Act. It is also contended that, in fact, it is not a case of confession leading to recovery rather when the recovery was made, the confessional statement of the petitioner was recorded. Be that as it may, the petitioner is a man of fair antecedent and now he has been incarcerated since 05.05.2024.



The investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the apprehended co-accused persons from whose possession huge quantity of counterfeit currency notes were recovered, have disclosed the name of the petitioner, who confessed his involvement in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case against the petitioner is based upon the disclosure made by the co-accused persons as also the confessional statement of the petitioner, moreover, there is no other material suggesting his complicity, coupled with the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, East Champaran, Motihari in connection with Kotwa P.S. Case No. 125 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of



the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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