

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50345 of 2024

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

Mukesh Singh Son of Vijay Kumar Singh @ Vijendra Singh @ Vijay Singh
R/O- Village- Pokhra, P.S.- Kotwa, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 22-11-2024 Heard Mr. Shashank Shekhar, learned Advocate for
the petitioner and the learned APP 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 offence punishable under Sections 467, 468, 489-A, 489-B, 489-C, 489-D and 34 of the Indian Penal Code.

3. The police on a tip of trafficking of counterfeit notes apprehended two accused persons, who were 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/- were recovered, wherein, from the possession of co-accused Mukesh Rajbhar, Rs. 2,00,000/- of the same denomination was recovered and, as such, total Rs. 12,90,000/- counterfeit notes were recovered. The apprehended

persons disclosed the name of one another person, who managed to flee away as Ram Chandra @ Ramji.

4. Learned Advocate for the petitioner referring to the FIR primarily contended that admittedly the petitioner is not named in the FIR. However, during the course of investigation, co-accused Ram Chandra @ Ramji was apprehended by the police and from whose possession single five hundred counterfeit note was recovered. The name of the petitioner has surfaced on his confessional statement, as one of the accomplice. On the basis thereof, the police apprehended the petitioner and from his possession altogether twelve pieces of five hundred counterfeit notes were recovered. Learned Advocate for the petitioner contended that in fact, the petitioner is himself victim of the circumstances and he has been duped by some of the persons by handing over counterfeit notes. The petitioner has no concern with the accused persons. Moreover, there are various other infirmities in the search and seizure, couple with the fact that the investigation of the crime is complete and the charge-sheet has been submitted. Though the petitioner has been incarcerated since 05.05.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that

recovery of counterfeit currency from the possession of the petitioner speaks about his involvement, apart from the petitioner bears one criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with one surety of the like amount to the satisfaction of learned Chief Judicial Magistrate, 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.)

Jyoti Kumari/-

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