

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56602 of 2024**

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

Mukesh @ Mukesh Rajbhar, Son of Makardhwaj @ Makardhwaj Rajbhar,
Resident of village- Mainpur Delihawa, P.S.- Kasya, District- Kushinagar,
Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanchay Srivastava, Adv.
Mr. Sushant Srivastava, Adv.
Mr. Ashish Kumar Palit, Adv.
Mr. Arpit Anand, Adv.
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner and 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 Rs.10,90,000/- counterfeit notes of single
denomination of Rs. 500/- was recovered whereas from the



possession of the petitioner, 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 co-accused Ram Chandra @ Ram Chandra Sharma @ Ramji and earlier also they have handed over the counterfeit notes to him.

4. Learned counsel for the petitioner contended that surprisingly the petitioner was intercepted in a busy market and the search and seizure has been made in presence of huge crowd, but the witnesses are none else but the police personnel and, as such, there is complete defiance of Section 100 CrPC. It is further contended that the allegation of recovery of Rs. 2 lac cash of currency notes from the pocket of the petitioner also appears to be doubtful. Moreover, the petitioner has neither any concern with co-accused Md. Jamil Akhtar nor with the motorcycle in question. It is also contended that, in fact, on the alleged date of occurrence when the police intercepted the co-accused persons, the petitioner was present there and on account of some altercation which took place between the petitioner and the police, his name has also been implicated in this case showing him one of the accomplices. It is further contended that even if the allegation taken to be true, no case



much less under Sections 489-A and 489-B of the Indian Penal Code is made out and so far Sections 489-C and 489-D of the Indian Penal Code are concerned, the punishment is only for seven years. It is lastly contended that be that as it may, now the investigation of the crime is complete and the charge-sheet has been submitted. The petitioner has been incarcerated since 04.05.2024 having fair antecedent.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that recovery of huge quantity of counterfeit notes suggest involvement of the petitioner and the crime in question is not a crime which is private in nature but, in fact, it is the crime against the public and the nation.

6. Regard being had to the submissions made on behalf of the parties and considering the recovery of counterfeit currency notes from the exclusive possession of the petitioner, this Court is not persuaded to enlarge him on bail. Accordingly, the prayer for bail of the petitioner stands rejected for the present.

(Harish Kumar, J)

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