

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79522 of 2024

Arising Out of PS. Case No.-110 Year-2021 Thana- GORIAKOTHI District- Siwan

Amit Kumar @ Amit Kumar Singh Son of Late Dhananjay Singh R/o-
Goreakothi, P.S.- Goreakothi, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kant, Advocate
		Mr. Ashish Anand, Advocate
For the Opposite Party/s	:	Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Goriakothi P.S. Case No. 110 of 2021 registered on 24.06.2021 for the alleged offences under Sections 489(A), 489(B), 489(C) and 489(D) of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

03. As per prosecution case, police received secret information about the co-accused persons for being involved in printing and trading of counterfeit currency notes. A raid was conducted at the house of co-accused Banti Kumar who along with other co-accused persons were apprehended. Further, from the search of the house of co-accused Ranjit Kumar, counterfeit



currency notes of different denomination amounting to Rs. 97,350/- were recovered. From the house of co-accused Banti Kumar further recovery of a printer along with a large number of semi prepared counterfeit currency notes of denomination of Rs. 2,000/-, Rs. 200/- and Rs. 100 total amounting to Rs. 3,15,750 along with a country made pistol and live cartridge were made. Similarly, from the house of co-accused Suresh Kumar recovery of counterfeit currency notes of different denomination amounting to Rs. 2,05,000/- was made. The petitioner was apprehended when co-accused Bunty Kumar named one Amit Kumar S/o Awadh Kishor Prasad, R/o-Village-Dudhara in his confessional statement.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of this petitioners. One Amit Kumar S/o Awadh Kishor Prasad, Resident of Village-Dudhara has been named by the co-accused Bunty Kumar in his confessional statement. However, under mistaken identity, this petitioner has been apprehended by the police as he bears the same name but his parentage is different as he is the son of late Dhananjay Singh and is resident of Gureakothi of District-Siwan and he is not the



resident of Village-Dudhara. While rejecting the prayer for bail, the learned District & Additional Sessions Judge committed an error of record while mentioning that the petitioner was apprehended along with other co-accused persons but the petitioner has been apprehended on 05.09.2024 whereas the other co-accused persons were apprehended on 24.06.2021. There is no material against the petitioner to connect him with the offence as alleged. Other co-accused persons have been granted bail by this Court as well as by a Co-ordinate Bench. The petitioner is in custody since 05.09.2024 and is having clean antecedent.

05. Learned APP opposes the prayer for bail submitting that recovery of counterfeit currency notes were made from the house of the co-accused who named this petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and also his clean antecedent and further considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Siwan/concerned court in connection with Goriakothi P.S. Case No. 110 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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