

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.128 of 2015

Arising Out of PS.Case No. -704 Year- 2014 Thana -SAHARSA District- SAHARSA

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Jitendra Kumar Yadav S/O Dhuthar Yadav, Resident of vill-Baijnath Patti,P.S-
Saharsa,Distt-Saharsa

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Krishna Prasad Singh, Sr. Advocate

Ms. Meena Singh

For the Respondent/s : Mrs. A K Mishra, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-03-2015

This Appeal is filed under Section 21 of the National Investigation Agency Act, 2008 challenging the order dated 20th January, 2015 passed by the learned Sessions Judge, Saharsa in Special Case No. 1 of 2015 arising out of Saharsa Sadar PS Case No. 704 of 2014. The appellant is one of the accused in that case facing trial for the offences punishable under Sections 489A, 489B, 489C and 420 of the Indian Penal Code. The bail application filed by the appellant was rejected by the trial court.

The petitioner contends that the allegation against him that he is involved in circulation of fake currency notes is totally baseless and that currency notes in question have been given to him by one Pradeep Yadav. Without even verifying those facts a false case has been instituted.

On behalf of the respondents detailed counter affidavit has been filed. It is stated that the owner of a mobile shop where the fake currency notes were presented has submitted a complaint and

further investigation has revealed that the petitioner and other accused are involved in circulation of fake currency notes.

Heard Sri Krishna Prasad Singh, learned Sr. Advocate for the petitioner, and Sri A K Mishra, learned Additional Public Prosecutor.

Prima facie, we find that the only basis for instituting the case against the petitioner is that two other persons offered 3 fake currency notes of Rs.1000 denomination and 5 fake currency notes of Rs.500 denomination before the owner of the mobile shop. Once the shop-owner refused to accept the notes suspecting to be fake, the persons who sought to purchase a cell phone are said to have informed the petitioner herein from whom the notes were obtained. On his part, the petitioner went to the spot and said that those very notes were handed over to him by Pradeep Yadav. Barring these allegations, it is not even mentioned that any other currency notes were recovered from them. We would not express any final opinion at this stage. The appellant deserves to be released on bail.

The Appeal is accordingly allowed.

We direct that the appellant shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Saharsa, in connection with Special Case No. 1 of 2015 arising out of Saharsa Sadar PS Case No.704 of 2014.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

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