

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30428 of 2020**

Arising Out of PS. Case No.-91 Year-2019 Thana- THAKURGANJ District- Kishanganj

Abu Talib Son of Abdul Khalique Resident of Village-Chaundi Banwari @
Banwari, Police Station-Kishanganj in the District of Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.

For the Opposite Party/s : A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 02-02-2021 Heard learned counsel for the petitioner and
learned A.P.P for the State through video conferencing.

The petitioner has renewed his prayer for regular bail in connection with Sessions Trial no.187 of 2019 arising out of Thakurganj P.S. Case no. 91 of 2019 registered under sections 489A, 489B, 489C and 34 of the Indian Penal Code.

As per allegation in the F.I.R., on the accused persons being caught by a police team it is stated that fake Indian currency notes to the tune of Rs.94,000/- and counterfeit Nepali currency notes to the tune of Rs.2000/- was recovered from the bag of the petitioner.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 27.5.2020 (Annexure-1) passed in Cr.Misc.



no.3257 of 2020. It is further submitted that from perusal of the F.I.R. itself it would transpire that the petitioner at best can be described to be a career who may not even be aware with the contents of the bag that he was carrying. The petitioner is in custody since 30.7.2019 and is ready to abide by all the conditions that may be imposed for his release on bail by this Court. It is further submitted that only one witness has been examined on behalf of the prosecution who has also been declared to be hostile.

The application for bail is opposed by learned A.P.P. for the State.

By order dated 27.11.2020 a report had been called for with respect to the stage of trial from the learned trial Court. The same has been received contained in letter no.259 dated 10.12.2020 of the Additional District and Sessions Judge-III (Incharge), Kishanganj. From perusal of the same it transpires that only one out of 6 prosecution witnesses has been examined, that too on 3.2.2020 and the trial is pending for further evidence.

In view of the facts and circumstances of the case and the nature of allegations, this Court is not inclined to enlarge the petitioner on bail and the same is rejected.



The Superintendent of Police, Kishanganj is directed to ensure production of all official witnesses in Court in the trial.

Let a copy of this order be communicated to the learned trial Court as also to the Superintendent of Police, Kishanganj.

(Partha Sarthy, J)

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