

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7117 of 2021**

Arising Out of PS. Case No.-272 Year-2020 Thana- LAUKAHA District- Madhubani

DILIP KUMAR YADAV S/o Surya Narayan Yadav R/o Village- Harbhanga,
P.S.- Laukahi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagandeo Yadav, Adv.

For the Opposite Party/s : Mr.Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 27-04-2021 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner in the present case is seeking regular bail in connection with Laukaha P.S. Case No. 272/2020 registered for the offences punishable under Section 414 of the Indian Penal Code and Section 3/13 of the FEMA Act, 1999.

The prosecution story in brief is that one Binod Kumar, Chief Police posted in 18th Bahini, Armed Boarder Force submitted a written report regarding an accused dated 20.09.2020 at about 9.10 pm to the S.H.O., Laukaha P.S. alleging therein that on that day he caught a person (petitioner) near Indian-Nepal Boarder from whom Rs.1,86,200/- was recovered and he produced the said person before the S.H.O. of Laukahi P.S. for taking legal action.

Learned counsel submits that the petitioner is innocent



and he has been falsely implicated in the present case. Learned counsel submits that the provisions of FEMA Act, 1999 would not be applicable in the facts of the present case as according to him the petitioner was coming with a cash of Rs.1,86,200/- for purpose of marriage in his family and he was caught near Indian-Nepal boarder. It is submitted that the petitioner has otherwise no criminal antecedent and he has remained in jail in connection with this case since 21.09.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the submissions of learned counsel for the petitioner that the provisions of FEMA Act, 1999 would not be applicable in the facts of the present case as according to him the petitioner was coming with a cash of Rs.1,86,200/- for purpose of marriage in his family and he was caught near Indian-Nepal boarder and the provisions of FEMA act was wrongly imposed against him, he has otherwise no criminal antecedent and he has remained in jail in connection with this case since 21.09.2020, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Jhanjharpur, Madhubani, in connection with Laukaha P.S. Case No.272 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:



(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that 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 step for cancellation of bail bond of the petitione. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

