

IN THE HIGH COURT OF JUDICATURE AT PATNA

CR. MISC. No. 10323 of 2021

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Doma Yadav @ Santosh, S/O. Sangalu Yadav, R/O. Gerkimasuriya,
PO-Gerki, PS-Jokihat, Dist-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
	:	Ms. Preety Kunwar, Adv.
For the Opposite Party/s	:	Mr. Ashok Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 12-08-2021 The instant case has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic, requiring social distancing.

Heard the learned Senior counsel for the petitioner, Sri N.K. Agrawal assisted by Ms. Preety Kunwar, Adv. and the learned APP for the State Sri Ashok Kumar.

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Kursakanta PS case no. 234 of 2019, registered under Sections 419, 420, 489A, 489B, 489C, 489D, 489E of the Indian Penal Code inasmuch as earlier, the bail petition of the



petitioner was rejected by this Court vide order dated 01.06.2020, passed in Cr. Misc. no. 87492 of 2019.

The case of the prosecution is that on 15.09.2019 at about 10.00 hrs., the informant is stated to have received information from his sources that some people are engaging in transportation of counterfeit Indian notes, whereupon the informant along with police force had gone to the place of occurrence and during the course of checking at about 13.05 hrs., one person was apprehended on suspicion who disclosed his name as Doma Yadav i.e. the petitioner herein and upon search, one bundle of 500 rupees note was recovered which was checked by means of note detector machine and it was found that the said notes recovered from the petitioner were counterfeit notes. Upon interrogation of the petitioner, he disclosed that his cousin brother-in-law namely Yadhvir Yadav had come for the Rakshabandhan festival at his house and had given the said bundle of notes for its safe keeping and had told him that whenever, he would inform him over telephone about handing over the said bundle of notes to the concerned person, he should do the needful and in lieu thereof, he will get a sum of Rs. 2000/-. The petitioner had further disclosed before the police



that on 15.09.2019 at about 10.30, his brother-in-law had rang from Punjab and had told him to deliver the said bundle of notes to the concerned person, whereafter, he was apprehended on the way by the police, while he was going to the said place for delivering the said notes. The total amount of counterfeit notes is stated to be Rs. 99,500/-.

The learned Senior counsel for the petitioner has submitted that the present case will fall under Section 489C of Indian Penal Code, which is bailable and moreover, the petitioner is languishing in custody since 16.09.2019, having a clean antecedent, hence he be enlarged on bail.

Per contra, the learned APP for the State submits that the petitioner was arrested on the spot with counterfeit notes and the offence alleged is heinous and amounts to anti-national activity being engaged in by the petitioner and further, considering the allegations levelled against the petitioner, a case is definitely made out against the petitioner under Section 489B of Indian Penal Code as well.

Having heard the learned counsel for the parties and having considered the facts and circumstances of the case as also the r

cord and taking into account the



seriousness of the offence committed by the petitioner, which challenges and undermines the authority of a sovereign country, apart from the fact that the petitioner has been caught red-handed with the counterfeit notes amounting to a sum of Rs. 99,500/-, which is a heinous offence and moreover, this Court finds that there is no change in circumstance, from the day the prayer of the petitioner for grant of bail was rejected on 01.06.2020, till date, thus there is no occasion to reconsider the prayer of the petitioner for grant of bail, therefore, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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