

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44716 of 2023

Arising Out of PS. Case No.-141 Year-2023 Thana- ADAPUR District- East Champaran

Ranjeet Kumar, Son of Bindeshwari Prasad, Resident of Village- Lala Chapra,
Ps- Adapur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44966 of 2023

Arising Out of PS. Case No.-141 Year-2023 Thana- ADAPUR District- East Champaran

Radheyshyam Prasad Yadav, Son of Dev Narayan Prasad Yadav @ Devanand
Prasad Yadav, Resident of Village- Matiyarwa, P.S.- Matiyarwa, Dist- Bara,
Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44716 of 2023)

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr.Rajesh Kumar

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

(In CRIMINAL MISCELLANEOUS No. 44966 of 2023)

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Murli Dhar,APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 26-07-2023 1. As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being taken up and decided together.
2. Heard learned Senior counsel for the petitioners and the learned APPs for the State.



3. Petitioners seek regular bail in connection with Adapur P.S. Case No. 141 of 2023 dated 12.05.2023 registered for the offences punishable under Section 414 of the Indian Penal Code and Section 13 of the FEMA Act, 1999.

4. The main submissions advanced by the learned senior counsel for the petitioners are that as per allegation Rs. 5,50,000/- (Nepali currency) is alleged to have been recovered from the possession of both the petitioners but the said currency does not attract the offence of Section 13 of FEMA Act as admittedly Indo-Nepal border is an open border and there is no restriction in the movement of people residing in adjoining areas as they often move from India to Nepal and Nepal to India for business transactions and moreover the petitioners were apprehended within 50-60 meters near the international border and they have been languishing in jail since 12.05.2023 and moreover the maximum punishment for the alleged wrong is up to five years and both the petitioners have fair and clean antecedent.

5. Learned APPs appearing for the State have opposed the bail prayer.

6. Considering the above submissions and mainly the facts that admittedly the India-Nepal International Border is an



open border and petitioners were found near the International Border and they have fair and clean antecedent and from their possession Rs. 5,50,000/- (Nepali currency) was found but the same is not alleged to be forged currency, in the opinion of this court, the petitioners deserve to a lenient approach of this court. Accordingly, let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Adapur P.S. Case No. 141 of 2023 **with condition that:**

Both the bailors shall be local residents of the trial court having sufficient immovable property to the satisfaction of the trial court and further the petitioner namely, Radheyshyam Prasad Yadav shall not leave the territory of the India without the permission of the trial court and deposit his passport in the trial court, if he possess.

(Shailendra Singh, J)

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