

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19760 of 2016

Arising Out of PS.Case No. -523 Year- 2015 Thana -SHASTRINAGAR District- PATNA

1. Shahbuz Alam @ Sabuz @ Sabuaakhamuddin.
2. Farukh Alam alias Murtaza Ali. Both sons of Late Surab Ali, residents of Mohalla- Hobiganj, P.S. Baniasang, District-Silet (Bangladesh).
.... .. Petitioners

Versus

The State of Bihar

.... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ashok Kumar Garg, Advocate.
For the Opposite Party : Mr. Sanjay Kumar (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 26-05-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are languishing in custody since 23.09.2015 in connection with Shashtri Nagar P.S. Case No. 523 of 2015 for the offences instituted under Sections 467, 468, 471, 419, 420 and 120(B) of the IPC and 14 of the Foreigner Act.

The prosecution story, in brief, is that during the course of processing of application for passport on 22.09.2015 with File No. PA 1069200655815, it has been found that one individual Farukh Alam is not in position to speak his name, address and other personal details. On inquiry, it was found that he is not able to speak or understand Hindi language properly. Hence, there is doubt about his nationality. Further it has been found that another person Shabuz who is brother of Farukh Alam is waiting outside

the P.S.K., he was called inside P.S.K. and they revealed that they are citizen of Bangladesh. It has also been found that one agent Jai Prakash Kumar helped him in getting supporting documents for processing application form for passport.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 23.09.2015 and the charge sheet has been submitted in the present case. The petitioners have been made accused in the present case due to mistake of fact. As per allegation, the petitioners are from Bangladesh and they were trying to get a fake Indian Passport prepared.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R. and on the spot they were arrested while getting a fake Indian Passport prepared.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioners. The same is rejected in Shashtri Nagar P.S. Case No. 523/2015, pending in the court of the learned J.M.Ist Class, Patna. Anyhow, the trial court is directed to take all necessary steps to conclude the trial preferably within a period of nine months from the date of receipt/production of copy of this order.

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(Sudhir Singh, J)