

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27289 of 2017

Arising Out of PS.Case No. -118 Year- 2016 Thana -NAWADA District- NAWADA

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Jahid Atahar @ Md. Jahid Athar @ Irshad, Son of Md. Amniuddin,
resident of Mohalla- Islam Nagar, P.S. Nawada Town (Bundelkhand),
District- Nawada.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha

For the Opposite Party/s : Sri Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

4 06-07-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody in connection with
Nawada Town (Bundelkhand) P.S. Case No. 118 of 2016 for the
offences punishable under sections 419 , 420, 467, 468, 471, 120B
of the Indian Penal Code and section 14 of the Foreign Act.

It appears from the FIR that a racket is involved in
preparation of passport on the basis of forged documents. The
name of the petitioner surfaced in this case when the Police
detected that the application for passport of one Enamul Haque
was submitted online from the booth of the petitioner. The said
Enamul Haque was apprehended at Kolkata Airport, it was



detected that he is not a citizen of India, but citizen of Bangladesh who procured passport on the basis of forged document. The petitioner is also involved in preparation of the passport of non-citizen.

Learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and his name surfaced in this case only on the basis of the fact that the online application was submitted through his booth and as such, he was apprehended in this case whereas the person identified Enamul Haque in the application for grant of passport, namely, Mohammad Arif Arsad was granted bail by a coordinate Bench of this Court in Cr. Misc. No. 27982 of 2017 vide order dated 30.06.2017.

Learned counsel for the petitioner submits that the petitioner is quite innocent and has no any role in preparation of passport on the basis of forged document.

The confessional statement of Mohammad Arif Arsad has no sanctity in addition thereto when Md. Arid Arsad who has identified Md. Enamul Haque, has already been granted bail by this Court so the petitioner also deserves bail on the ground of parity.

Having heard learned counsel for the petitioner and the State and considering the order passed by this Court in Cr.



Misc. No. 27982 of 2017 on 30.06.2017, this Court is of the view that the case of the petitioner is similar to that of Md. Arif Arsad who has already been granted bail, as such, there is no point to deny the bail to the petitioner.

Let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nawada or Successor Court in connection with Nawada Town (Bundelkhand) P.S. Case No. 118 of 2016, subject to the condition that if the petitioner holds any passport, he must deposit the same to the Chief Judicial Magistrate or Successor Court, Nawada and further condition that the petitioner will extend full cooperation in conclusion of the trial and he will not, in any manner, tamper with the evidence and influence the witnesses.

(Anil Kumar Upadhyay, J)

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