

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2013 of 2019

In
CRIMINAL MISCELLANEOUS No.49898 of 2018

Arising Out of PS. Case No.- Year-0 Thana- District-

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Md. Masoom @ Kari aged about 56 Years , Gender-Male, Md. Hasar Ali
Resident of Village- Hardiya, P.S.- Mufassil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv
For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

6 11-03-2019 Heard parties.

2. This application has been filed to modify the order dated 23.08.2018 passed in Criminal Miscellaneous No. 49898 of 2018 stating that condition nos. 2 and 3 as given by this Hon'ble Court shall be deleted.

3. Learned counsel for the petitioner submits that condition nos. 2 and 3 may kindly be modified to the extent that the petitioner be allowed to file the photocopy of the passport and the original copy be returned to him and he may be permitted to go Bangladesh as his VISA is going to expire on 01.04.2019.



3. It has been submitted that petitioner and his brother Mansoor were originally resident of India and subsequently shifted to Bangladesh and took citizenship of Bangladesh whereas his three other brothers and their wives are citizens of India. Wife of petitioner is also citizen of India.

4. Petitioner had come to India with a genuine passport and VISA through Indian Check Post Hilly Border. VISA of petitioner is valid upto 01.04.2019 and he has to return to Bangladesh before expiry of period of VISA and again he will have to apply for VISA in Indian Embassy.

5. Petitioner had filed a petition for release of his original passport and for granting permission for leaving the country but same was rejected by learned CJM, Begusarai, by his order dated 26.09.2018.

6. Without modifying any conditions of order of bail court below is directed to permit petitioner to go to Bangladesh after undertaking to be given by Bangladesh Embassy that they would produce petitioner in the court below if he fails to present himself before the trial court after 3 months. The original passport of petitioner shall be given to him for 3 months (photocopy of passport to be kept on record) which shall again be deposited by him in trial court after 3 months from the date



of order passed by the trial court.

This disposes of modification petition.

(S. Kumar, J)

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