

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53072 of 2018

Arising Out of PS. Case No.-102 Year-2018 Thana- TATARPUR District- Bhagalpur

=====

Md. Kamrul Raza @ Badshah @ Md. Quamrul Raza, S/o Haji Gilman @ Md. Gliman Muztaba, R/o Amir Hasan Lane, Jabbar Chak, P.S.- Tatarpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh

For the Opposite Party/s : Mr.Sri Ashok Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471, 120B/34 of the Indian Penal Code and Sections 12(B) (C) of the Passport Act, 1967.

The prosecution case as per the self statement of Amarnath Paswan, S.H.O. of Tatarpur Police Station on 23.05.2018 is to the effect that on 31.03.2018 in the Passport Section of police office passport applications on behalf of Saiyad Imteyaz Ahmad and Najiya Khurshid, wife of Saiyad Imteyaz Ahmad were received when the verification report was



submitted by the concerned police station. Thereafter, the informant proceeded for making verification. During verification, Md. Kamrul Raza conveyed to the informant that the said application is of his brother and brother's wife, Saiyad Imteyaz Ahmad and Najiya Khurshid, respectively who were present in the house and finding the Aadhar card and bank passbook genuine, the verification was done. However, the passport of Imteyaz Ahmad and Naziya Khurshid were received by the petitioner, but subsequently, the applicants returned the passport since the same do not bear their photographs. Subsequently, on return of the passport, enquiry was conducted where upon it transpired that the petitioner facilitated the issuance of the passport with the photographs of different persons than that of actual applicants.

It is submitted by learned counsel for the petitioner that from perusal of the FIR and the report submitted by Dy.S.P. kept at Flag 'B' dated 09.02.2019 reflects that during verification the petitioner only suggested that the applicants are his brother and brother's wife and thereby constitutes no offence. In fact, due to the wrong verification or due to fixing of some one else's photographs on the said passports, they were not accepted by the brother and brother's wife of the petitioner.



It is not the case of the prosecution that the petitioner submitted the applications for the passport by making forgery, hence, it appears that the informant in order to save his own skin, from the charge of getting the verification report negligently lodged the present case. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary submits that it appears that the petitioner facilitated issuance of the passport fraudulently as during investigation his statement was also recorded.

Considering the fact that it is not the case of the prosecution that the petitioner submitted the applications on behalf of his brother and brother's wife for issuance of the passport fraudulently or during verification, he made any wrong statement, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of



learned Additional Chief Judicial Magistrate-7, Bhagalpur in connection with Tatarpur P.S. Case No. 102 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

