

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24375 of 2020

Arising Out of PS. Case No.-238 Year-2019 Thana- ADAPUR District- East Champaran

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IMTEYAZ ALAM Son of Late Lal Miya Resident of Village - Jiyapur, P.S. - Naviganj, District - Habibganj, Country - Bangladesh at Present Pakahi, P.S. Adapur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate
For the Union of India	:	Mr. Rajesh Kumar Verma, ASG
For the State	:	Mr. Bal Mukund Prasad Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 15-01-2021 Heard Mr. Rajesh Kumar, learned counsel for the petitioner, Mr. Rajesh Kumar Verma, learned Additional Solicitor General of India, and Mr. Bal Mukund Prasad Sinha, learned Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Adapur P.S. Case No. 238 of 2019 registered for the offence punishable under Sections 420, 467, 468, 471 of the Indian Penal Code 1860 and Section 14(B) Foreign Act and Section 3 Passport (Entry into India) Act.

The allegation as per the First Information report lodged by the Sub-Inspector of Police, S.H.O. Adapur in brief is that the petitioner arrived at the Police Station for verification of his passport, which he had applied earlier, then the Police



requested the Mahal Chowkidar to verify the credentials of the petitioner and upon verification by Mahal Chowkidar it came to light that Imteyaz Alam i.e. the petitioner is not the son of Manjer Alam, rather he is the son- in -law of Manjer Alam. The Police thereafter strictly interrogated the petitioner then he disclosed that he had come to Nepal 15-16 years back from Bangladesh and from there he came to India at Motihari, Bihar, and married to the daughter of Manjer Alam about 05 years back and from the said wedlock two girl child had born. He further disclosed that he applied for the passport mentioning the name of his father- in- law namely, Manjer Alam as his father.

Learned counsel for the petitioner submits that petitioner has not committed any offense in the manner alleged and he has falsely been implicated in this case. Learned counsel further submits that the petitioner had come from Nepal and he has no knowledge that he belongs to Bangla Desh.

On the other hand, learned counsel for the State submits that voter identity card and Aadhar card have been produced by the petitioner which have also been found fake. Learned counsel further submits that petitioner has confessed his guilt before the Police.

Mr. Rajesh Kumar Verma, learned Additional



Solicitor General of India, on the other hand, submits that on the basis of instruction received by him, the Government of India, Ministry of Home Affairs, has issued a circular under which the State Government is the competent authority to deal with such offence including cancellation of Aadhar Card.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that the petitioner has remained in custody since 20.09.2019 as well as charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran, in connection with Adapur P.S. Case No. 238 of 2019 subject to the conditions that; (i) the petitioner shall present himself fortnightly before the local Police regularly till conclusion of the trial and (ii) that one of the bailors shall be mother-in-law of the petitioner. The bailor will also undertake to inform the court about the fact that there is any change in the address of the petitioner.

It is made clear that at the time of furnishing bail



bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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