

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63963 of 2023

Arising Out of PS. Case No.-209 Year-2023 Thana- SONBERSA District- Sitamarhi

MD. AARISH @ MOHAMMAD AARISH S/O SHAFI MOHAMMAD R/O
VILLAGE- BHAWANIPUR, KHERU, P.S- SAHSAWAN, DISTT.- BUDAU,
UTTAR PRADESH, PRESENTLY RESIDING AT E- 11/85, C- BLOCK, E-
11, HAUJRANI, MALVIYA NAGAR, SOUTH DELHI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Adil Abbas

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 420, 120B and 34 of
the Indian Penal Code, Section 14 of the Foreigners Act and
Section 12 of the Passports Act.

3. As per prosecution case, while the informant was
discharging his duty, he saw that a Hyundai Venue Car was
coming towards him from the Nepal Border, upon which the
team of the check post along with the informant stopped the car
for checking and during the course of checking, it was found
that there were two persons in car, petitioner was the driver of
the vehicle and another was the passenger namely, Khaleel



Mukhtorov, resident of Uzbekistan. When the informant asked for the passport from the passenger, no such passport was presented by him, rather an Aadhar Card and Pan Card was presented by him, which was forged.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. Petitioner is a commercial cab driver who is working in OLA/ Uber Cab service, and sometimes he used drive the personal cars as well for daily wages. He submitted that the co-accused asked the petitioner to drive him to Nepal from his own car for a consideration of Rs. 5,000/-, upon which the petitioner drove him to Nepal. Petitioner is having a legal citizenship of India and he is a legal citizen of India, as the petitioner's Adhar Card was seized from the arrest spot, and petitioner is also having a Voter Id Card. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 02.07.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner



on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court of Judicial Magistrate 1st Class, Sitamarhi in connection with Sonbersa P.S. Case No. 209 of 2023.

(Sunil Kumar Panwar, J)

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