

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13276 of 2024

Arising Out of PS. Case No.-275 Year-2023 Thana- LAUKAHA District- Madhubani

1. Md. Niyamat S/o Late Md. Yusuf R/o Vill - Simri, P.S. - Ghanshyampur, Dist. - Darbhanga
2. Md. Farmud S/o Late Md. Yusuf R/o Vill - Simri, P.S. - Ghanshyampur, Dist. - Darbhanga
3. Md. Kabir S/o Late Md. Resho R/o Vill - Simri, P.S. - Ghanshyampur, Dist. - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Union Of India Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manindra Kishore Singh
For the Opposite Party/s : Mr. Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 18-04-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek regular bail in connection with
Laukaha P.S. Case No. 275 of 2023 registered for the offence
under Sections 420 / 34 of the IPC and Sections 14, 14(c) of the
Foreigners Act, 1946.

3. The summary of the FIR based on typed application of
informant Karuna Das is that on 07.10.2023 at around 09.30, the
informant alongwith other forces was deployed on custom check
post duty near border pillar No. 246. At the same time, a woman
with four children and three persons coming from Nepal to India



was stopped and interrogated by the forces. During interrogation, the woman told her name as Begum Tahira, husband Zaibul Haque village – battidang district – Icap State Botidang Myanmar and also told that he was going to Delhi via Nepal, UNHCR certificate and Myanmar citizenship certificate were obtained from him. The woman, resident of Myanmar was accompanied by Mohd. Niamat, Mohd. Kadir, Mohd. Farmood who were resident of Darbhanga. In this way, the above three were caught on the Nepal border while illegally taking the foreign woman and her children to Delhi.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has falsely been implicated in the present case. Petitioners are in judicial custody since 07.01.2023.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. On perusal of the FIR, case diary, it appears that on the basis of written report of Karuna Das, Assistant Deputy Commandant, SSB FIR was registered under Sections 420 / 34 of IPC and Section 14, 14(c) of the Foreigners Act, 1946 against four accused persons including the present petitioners and from perusal of the case diary, it appears that the petitioners were



assisting to enter into the Indian territory and the case is also supporting the prosecution and FIR version and so, I am not inclined to grant bail to the petitioner.

7. Accordingly, prayer for bail of the petitioners is hereby rejected.

8. However, the learned trial Court is directed to conclude the trial within a period of six months from the date of receipt of a copy of this order and if the trial is not concluded within the stipulated period, then the petitioner may renew their prayer for bail before the trial court and the trial Court shall grant bail to them.

(Ramesh Chand Malviya, J)

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