

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32530 of 2024

Arising Out of PS. Case No.-154 Year-2023 Thana- CHACKMEHSI District- Samastipur

1. Kumari Jyotshna, Wife Of Jay Prakash Gautam R/O - Vill- Ward no 12, Balha Jainarain, P.S- Chakmehsi, Dist- Samastipur
2. Jay Prakash Gautam Son Of Mr Amresh Kumar Thakur R/O - Vill- Ward no 12, Balha Jainarain, P.S- Chakmehsi, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Advocate
	:	Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-05-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Chakmehsi PS case no. 154 of 2023, disclosing offences punishable under Sections 468, 471/34 of the Indian Penal Code and Section 12(b) of the Passport Act.
3. The prosecution story, as per the First Information Report lodged by Probational Police Sub Inspector, Chakmehsi Police Station, is that on 17.08.2023, she received a letter sent by Police Superintendent as well as from Government of India, Ministry of Foreign Affairs, Regional Passport Office, in which, directions were issued to



properly investigate the matter. During investigation, it was found that Sri Jay Prakash Gautam (petitioner no. 2) and Smt. Kumari Jyotshna (petitioner no. 1) had applied in the Regional Passport Office for issuance of passport in the name of their minor daughter Saanvi Gautam. The application was submitted alongwith two different birth certificates of the applicant/ minor daughter, issued from two different authorities, which was suspicious, accordingly, the passport was not issued by the concerned authority. Thus, the allegation is that the petitioners tried to acquire passport on forged documents.

4. Learned Counsel for the petitioners argues that petitioners are innocent and have falsely been implicated in this case. Learned counsel further submits that petitioners applied for the passport of their daughter along with the birth certificate, which was issued by the municipal corporation of city of Thane, in which, all the entries are correct but in the mother's name "Kumari Jyotshana Gautam" was written, whereas father's name was correctly written as Jay Prakash Gautam. In the passport issued in favour of petitioner no. 1 Kumari Jyotshana, the title "Gautam" was not written, which



is the title of her husband and accordingly, the passport authority directed to correct it and submit corrected birth certificate having the correct name of minor's mother.

Learned counsel next submits that thereafter, the petitioners took help of the agent and applied for fresh birth certificate with correct name in the office of Registrar, Birth and Death, Sadar Hospital, Muzaffarpur but in the said application, there was difference in signature of the issuing authority. Accordingly, the said file was closed and the petitioners were directed to correct the birth certificate issued by Thane authorities, so far as it relates to the title "Gautam" in the mother's name of the minor. The moment, it was revealed that the said certificate was not correct, the petitioners went to Thane and made an application and thereafter, necessary corrections were made in the birth certificate of the daughter of the petitioners, so far it relates to name of minor's mother i.e. petitioner no. 1 and Kumari Jyotshana was written and the title "Gautam" was deleted.

Learned counsel also submits that the final certificate was issued on 08.09.2023 by Municipal Corporation of Thane. The petitioners are husband and wife



and Saanvi Gautam is their daughter, whose date of birth is 03.08.2017. She was born at Titan Hospital, Thane and all relevant documents are available. Both the petitioners are passport holder having passport nos. V7024516 and M1711098, respectively. Lastly, it is submitted that the correct certificate dated 08.09.2023 has been submitted by the petitioners for grant of passport in favour of their minor daughter Saanvi Gautam.

5. Learned counsel for the State only reiterated the statement made in the F.I.R.

6. Having regard to the facts and circumstances of the case and taking into consideration the submissions advanced by learned counsel for the petitioners, it appears that there was certain mistakes regarding the name of minor's mother in relation to her title, which has now been corrected by the municipal authority at Thane. The allegations against the petitioners are based on documents, for which, custodial interrogation may not be necessary.

7. This application is, accordingly, allowed.

8. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the



satisfaction of learned Judicial Magistrate-1st class, Samastipur
in connection with Chakmehsi PS case no. 154 of 2023, subject
to the condition laid down under Section 438 (2) of the Code of
Criminal Procedure.

(Anil Kumar Sinha, J)

rinkee/-

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

