IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10722 of 2025

Arising Out of PS. Case No.-373 Year-2015 Thana- BARAUNI District- Begusarai

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Naushad Ahmad @ Irshad Ahmed, aged about 45 years, Male, Son of Faizal Imam, Resident of at Ganpat Tower, Rahar Gadda Dhariya, Flat No. 03/A, Bhawandaha Dhanbad (Jharkhand) at present resides at Harun Nagar, P.S.-Phulwari Sharif, District-Patna.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md Abu Haidar, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in a case registered for the offence punishable under Sections 406, 467, 468, 471, 420/34 and 120(B) of the Indian Penal Code.

3. As per prosecution story in short is that the informant alleged in the F.I.R, that he along with his wife Savistan Samim had to go on Hujj in this year. Syed Irshad Ahamd whose mobile numbers are 8797273342, 9631013785 consulted with him in the month of April forth week and gave information that he is providing good service for Umra and Hujj. He also told him that some persons of his district have already come from doing Umra. The informant provided him his

internet number and told that to sent the proposal through mail upon which he shall treat. On 29.04.2015, he sent proposal through internet and again on 01.05.2015 when he was discharging his duty in his office situated at village-Thakurichak, P.S. Barauni, District-Begusarai. Syed Irshad Ahmad, Sabbir Ahmad, Deen Mohammad and two unknown persons came at his office on 01.05.2015 at 12.00 hours. The informant got seat them with owner. Syed Irshad Ahmad stated him that he used to sent for Hujj and Umra by his travels and he used to provide access facilities which is not be provided by other travels. He gave office address as Imam shopping Centre Muradpur, Patna Market and, lastly, he requested get sent his family members or himself in which no forgery and deceive shall be made. The payment shall not be digested. Sabbir Ahmad @ Rumi stated him that he is telling truth. He also said believing upon him to fill up the form and provided him with passport on 28 August 2015 to 17 September 2015 they shall have been sent on Hujj. Ten days ago, the compare and essential papers shall be provided to him on proper time. The accused further stated to the informant that two lakh 75 thousand rupees shall be costed for going and coming, fooding etc. The informant deposited the above amount to the account of Syed

Irshad Ahmad and others and he also gave his bio-data and his wife's bio-data. He also gave him a cheque of Rs. 5,50,000/- (Five lakh fifty thousand) of Axis Bank. The informant (him), and his wife's passport to Deen Mohammad and he provided the above cheque to Syed Irshad Ahmad which was in the name of National Hujj and Umra Tour Travels account and the same was transferred on 04.05.2015 in the above account. As per FIR, the informant and his wife had to go on Hujj prior to 17 September 2015 his relatives used to come before him for meet the informant. The informant used to talk with the accused persons regarding the Viza, Passport etc who used to assure him that he shall provide him Viza, Ticket, Passport on time, in the month of first week of September. On telling, he used to adjourn the matter due to which he became felt trouble thereafter the informant so many times office of the accused persons which was situated at Patna but they knowingly and deliberately did not meet him thereafter they closed his office and absconded. In the mean while, the informant came to know that the accused persons have committed forgery with so many persons and extorted a handsome amount of about crore. On the basis of above typed application, the case was instituted against Irshad Ahmad, Sabbir Ahmad, Deen Mohammad.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to suspicion. He next submits that the alleged FIR has been lodged after more than five months which creates doubts over the alleged offences against the petitioner as the occurrence is said to be took place on 01.05.2015 but the FIR has been lodged on 14.10.2015 which is much delay and after thought as stated in para-11 of the petition. He next submits that similarly situated co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No.22764 of 2017. Petitioner has got nineteen criminal antecedents as stated in para-3 of the petition and he is in custody since 07.05.2024.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that petitioner has got nineteen criminal antecedents.

6. On perusal of the first information report, case diary and impugned order dated 18.07.2024, it appears that the allegation levelled against the petitioner is to have prepared forge documents and committed the offence of fraud by taking Rs.5,50,000/- from the informant and his wife in the name of sending people to Hujj and Umra and petitioner has got nineteen criminal antecedents, so considering the serious nature of the

offence and several criminal antecedents against the petitioner, I am not inclined to grant bail to the above named petitioner.

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

(Ramesh Chand Malviya, J)

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