

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37845 of 2015

Arising Out of PS.Case No. -145 Year- 2015 Thana -BARACHATTI District- GAYA

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Aurangzeb Alam @ Raju Khan @ Raju Son of Md. Aslam Resident of
Mohalla -Line Mohalla, Liyaquat Ali Road, P.S. Chatra (Sadar), District -
Chatra, Jharkhand

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudha Chandra, Advocate

For the Opposite Party/s : Mr. Ashok Kr.Singh (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 04-03-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Barachatti P.S. Case No. 145 of 2015 registered for offence
punishable under Sections 170, 255, 420, 467, 468, 120B and 379
of the Indian Penal Code.

The prosecution case, in brief, is that S.H.O., Barachatti
Police Station received information that forged and fabricated
documents relating to Government under Bihar Sales Tax are
prepared in the office of a closed petrol pump and using the same,
hundreds of trucks are being allowed to cross. On the basis of the
said information, a team of police officials constituted by City
S.P., raided Amar Petrol Pump and found 5-6 persons sitting there



and working on a laptop. Seeing the police, all the persons started fleeing away, but four persons were arrested. Arrested persons disclosed their name as also the name of the persons who fled away. It is further alleged that on search, a laptop and several documents were recovered. It is also alleged that apprehended persons have disclosed that forged and fabricated papers were prepared under the supervision of Babar Khan and Mahtab Khan.

It has been submitted by the counsel for the petitioner that that petitioner is innocent and has falsely been implicated in the present case. Petitioner is the owner of the petrol pump in the name of Raju Fuel Centre, which is far away from the place of occurrence. It has further been submitted that petitioner is not named in the First Information Report and his name has surfaced in the extra judicial confession made by one of the accused, namely, Mahtab Khan. It has further been submitted that no case under Sections 467, 468 and 420 is made out against the petitioner and just after institution of the present First Information Report, two more cases have been instituted by the police against the petitioner.

However, learned A.P.P. for the State submits that petitioner's name surfaced in the confessional statement of co-accused, Mahtab Khan and in paragraphs 67, 68 and 69 of the case

diary, many truck drivers have stated that petitioner is involved in the present offence.

Under such circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner. This application is, accordingly, rejected.

However, petitioner is directed to surrender before the Court of Shri Narendra Pal Singh, learned Judicial Magistrate 1st Class, Sherghati, Gaya in connection with Barachatti P.S. Case No. 145 of 2015 within a period of four weeks from today and on surrender, his bail application shall be considered on the same day by the learned Court below without being prejudiced by this order. Learned Court below while considering bail application of the petitioner will also take into consideration the earlier orders passed by this Court in cases of other accused persons.

(Nilu Agrawal, J.)

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