

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9621 of 2023**

Arising Out of PS. Case No.-2592 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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MAHBOOB ALAM KHAN @ BARISTAR KHAN @ MAHBOOB KHAN
Son of Kasim Khan R/V- Dariyapur Tola No. 2, P.S- Sangrampur, Dist- East
Champaran Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Brij Kishor Singh Son of Late Ramashray Singh R/V- Dariyapur, P.S-
Sangrampur, Dist- East Champaran Motihari

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Ranjana Srivastava
For the Opposite Party/s : Mr. Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-10-2023 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in Complaint Case No.
2592 of 2018 registered for the offences punishable under
Sections 406, 420, 467 & 468/34 of the Indian Penal Code.

3. The petitioner in association of other co-accused is said to
have taken Rs.2 lakhs from the complainant and his son for
sending him abroad in question but neither he has returned the
money nor send him abroad.

4. It is submitted by learned counsel for the petitioner that no
such occurrence as alleged ever took place. He has been falsely
implicated in this case. The allegation levelled against the
petitioner is not specific rather general and omnibus in nature.



It is further submitted that complainant/opposite party is an Advocate's clerk and pairvikar of the petitioner in his Title Suit case and demanding Rs.2 Lacs for judgment but the petitioner did not pay any single amount and in retaliation thereto, this false and frivolous complaint has been filed against the petitioner. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State vehemently opposing the bail petition submitted that considering the nature of the allegation the petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of case and the nature of the allegation, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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