

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34675 of 2023

Arising Out of PS. Case No.-384 Year-2022 Thana- PALASI District- Araria

MD. AKBAR ALAM Son of Md. Nayeem Uddin Resident of Village -
Gaiyari, Ward No.- 14, P.S.- Araria, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Prince Kumar Mishra, Advocate Mr. Vikash Kumar Jha, Advocate
For the Opposite Party	:	Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Palasi P.S. Case No. 384/2022 registered for the offences punishable under Sections 406, 420, 409, 201 & 120B of the Indian Penal Code pending in the Court of learned Additional Chief Judicial Magistrate-I, Araria.

3. The petitioner, who is a Nazir of Palasi Block, in association of other co-accused is said to have illegally made withdrawal of government money on forged and fabricated cheques.

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 on the basis of conjectures and surmises. Learned counsel for the petitioner further submits that the cheque books with specific cheque numbers were not handed over to the petitioner by the previous Nazir and hence the petitioner could not be held responsible for the alleged cheques. The fact of the matter of matter is that when the petitioner came to know about the stolen cheque books, he informed and requested the informant to lodge the case but the informant did not pay any heed to it and after being verified the facts from the Bank, the petitioner lodged an F.I.R. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State vehemently opposing the bail petition submitted that petitioner in association of other co-accused siphoned off the government money, hence he does not deserve anticipatory bail.

6. Considering the facts and circumstances of case as well as the materials available in the case diary, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. 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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