

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53112 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- BODHGAYA District- Gaya

Md. Afroz Alam @ Afroz Alam Son of Safique Alam Resident of Ward No.18, Mohalla- Bodhgaya Bazar, P.O. and P.S.- Bodhgaya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 467, 468, 471, 385, 341, 323, 504, 506/34 of the Indian Penal Code.

3. As per the prosecution case, on 08.01.2024 at 09:00 PM, this petitioner along with one other co-accused Avinash Arun, who is son of *gotia* of informant, came to the house of informant and abused and assaulted her. They also threatened the informant to kidnap her son and to kill him, if she does not agree to their terms. It is further alleged that this petitioner threatened the informant that he has a five lac rupees check allegedly issued by her, and if she will not give the rupees back then she would be implicated in a false case by him. It is further



alleged that since husband of the informant died, co-accused Avinash Arun, who is her family member used to keep her bank passbook, cheques and land papers.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. There is specific overt act against co-accused Avinash Arun and there is family property dispute between co-accused Avinash Arun and the informant's side for which partition suit no. 245 of 2021 is pending before the learned Court below. Petitioner has no role in the alleged occurrence. It is further submitted that prior to the present case, the petitioner has filed Complaint Case No. 1907 of 2023 against the informant in which the learned Court below has taken the cognizance under Section 138 of N.I. Act. Only with a view to save her skin from the above mentioned case, she lodged this false and concocted case against the petitioner. It is further submitted that co-accused Avinash Arun, who is prime accused in the present case, has been enlarged on bail by a co-ordinate bench of this court vide order dated 06.08.2024 passed in Cr. Misc. No. 46022 of



2024. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as from bare perusal of the FIR, it is evident that there is no specific overt act against the petitioner and similarly situated co-accused has been granted anticipatory bail, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bodhgaya P.S. Case No. 37 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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