

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52567 of 2024

Arising Out of PS. Case No.-745 Year-2023 Thana- FORBESGANJ District- Araria

MD. GHUFRAN @ GHUFRAN @ MD. GUFRAN SON OF ABDUL
RAHMAN RESIDENT OF VILLAGE - MURBALLA, WARD NO. 09, P.S. -
ARARIA RS, DISTRICT - ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Forbesganj P.S. Case No. 745 of 2023, G.R. No. 3977 of 2023 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. As per prosecution case, the informant-cum-S.H.O. recorded herself statement on 09.08.2023. It is alleged that petitioner, who is running CSP at Purandaha, was going to open CSP and on the way at Murballa Chowk one Nawab took lift and near Murballa bridge, motorcycle of petitioner was stopped and after giving threat rupees two lakh was taken away from the dickky of the motorcycle. When query was made to the



petitioner, it was told by him that he was going to open CSP at Purandaha by taking rupees two lakh from his house and on the way Nawab took lift near Murballa Chowk and when he reached Murballa bridge, Nawab told to stop the motorcycle. Thereafter, petitioner stopped the motorcycle and after that Nawab threatened to hand over rupees kept in the dickky of the motorcycle, otherwise he would be killed. Thereafter, petitioner handed over rupees two lakh to Nawab and he fled away. It is alleged that on the disclosure of the petitioner, rupees two lakh kept in four bundles was recovered from Almirah of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that petitioner himself is running CSP and the money recovered from Almira belongs to his wife. He further submits that as per allegation made in the FIR no case under Sections 406 and 420 of the IPC is made out against the petitioner. It has been specifically submitted that there cannot be a case where two sections are applicable in the similar facts and circumstances of the case. Petitioner bears no criminal antecedent. Charge sheet has been submitted in the case and trial



court has also taken cognizance.

5. The learned A.P.P. for the State vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that rupees two lakh is said to have been recovered from the Almira of the petitioner on the basis of disclosure made by the petitioner himself.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner as well as material available on record, I am not inclined to grant privilege of anticipatory bail to petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is, hereby, rejected.

(Alok Kumar Pandey, J)

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