

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.81579 of 2023**

Arising Out of PS. Case No.-539 Year-2023 Thana- FORBESGANJ District- Araria

MD. SHOMS KAMAR @ MD. SAMS KAMAR Son of Md. Kamruddin  
Resident of Village - Barsoni, P.S.- Dagaruwa, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      24-01-2024                      Heard Mr. Binod Kumar Yadav, learned counsel for  
  
the petitioner and Mr. Satyendra Prasad, learned APP for the  
  
State.

2. The petitioner is apprehending his arrest in connection with Forbesganj (Simraha) P.S. Case No. 539 of 2023, F.I.R. dated 14.06.2023 for the offences punishable under Sections 379 of the Indian Penal Code.

3. According to prosecution case, the petitioner took Rs.3,50,000/- from the informant but did not returned the same. It is further alleged that the petitioner by illegal motive committed fraud of Rs.3,50,000/- and had not deposited the petrol pump money i.e. of Rs.11,47,167/- (selling of four days) and fled away.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R.

5. The learned Additional Public Prosecutor on the basis of material available on record has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has not deposited the cash of the petrol pump of Rs.11,47,167/- and fled away.

6. Considering the fact that there is direct and specific allegation attributed against the petitioner, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Forbesganj (Simraha) P.S. Case No. 539 of 2023 pending in the court of Chief Judicial Magistrate, Araria.

7. Prayer is refused.

**(Rajesh Kumar Verma, J)**

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