

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35173 of 2025

Arising Out of PS. Case No.-1059 Year-2023 Thana- FORBESGANJ District- Araria

Pravej @ Parvej @ Mohammad Prvej S/o Md. Atabul Resident of Village-
Madhubani, Ward No. 07, PS- Forbesganj, Distt.- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Majid Mahboob Khan, Adv.
For the State : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 03-09-2025 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. 1059 of 2023 registered for the offence punishable under Sections 406, 420 of the IPC.

3. As per prosecution case, the petitioner, who is brother-in-law of the informant, came to the informant's house along with his friend Md. Afsar Alam and it was told that any benefit with regard to Indira Awas or any other government benefit would be given to the informant after opening the account in Bank. It is alleged that petitioner and co-accused Md. Afsar Alam after taking the informant into confidence took his Aadhar Card, PAN Card, Job Card etc. and got opened his bank



account but instead of informant's mobile number, another mobile number was entered in the bank account of informant. It is further alleged that petitioner and co-accused Md. Afsar Alam took the passbook, cheque book and ATM card of informant and same was not returned back to him. It is further alleged that both the accused persons fraudulently taking him into confidence, got opened informant's bank account and they are misusing his passbook, cheque book and ATM card.

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. Petitioner bears no criminal antecedent. Learned counsel further submits that entire allegations levelled against the petitioner are false and frivolous. He further submits that from the FIR itself it is clear that date of occurrence is not mentioned and informant's name is written as Md. Shahnawaz Alam whereas signature has been put as Md. Sahbaz Alam, meaning thereby, some foul play was done by someone by using the signature of the informant. Learned counsel further submits that there is no specific allegation against the petitioner. No allegation of withdrawal of any amount has been levelled in the FIR. There is no evidence of use of informant's passbook, cheque book and ATM Card by



the petitioner. He further submits that petitioner has no concern with Mobile No. 9157192236 which is said to have been entered in the bank account of informant. There is nothing on record which shows that any cheating or fraud was committed by the petitioner against the informant, hence, no offence under Sections 406 and 420 of the IPC is made out against the petitioner. It has been orally submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner is also participated in the alleged occurrence and he cannot escape from the liability of allegation made in the prosecution story.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 1059 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that if the investigating officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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