

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22784 of 2019

Arising Out of PS. Case No.-760 Year-2016 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Md. Zakir Hussain @ Zakir Hussain, S/o Aas Mohammad, Resident of Vill.-
Banchhuli, P.S.- Harsidhi, Dist.- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Zainul Abedin, S/o Late Gulam Mustafa, Resident of Chhawani Muhalla,
P.S.- Bhabhua, Dist.- Kaimur.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.Md. Anis Akhtar, Adv. Mr. Sangeet Deokuliar, Adv.
For the Opposite Party No.1:		Mr.A.M.P. Mehta, A.P.P.
For the Opposite Party No. 2:		Mr. Uday Pratap Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-07-2019 Heard learned counsel for the petitioner, learned

A.P.P. representing the State and learned counsel for the

complainant.

Petitioner, in the present case, is seeking anticipatory

bail in connection with Kaimur (Bhabhua) Complaint Case No.

760 of 2016 for the offence under Sections 420 and 406 of the

Indian Penal Code read with Section 138 of the Negotiable

Instrument Act.

It appears from the contents of the complaint petition

that there is allegation against the petitioner that under an

agreement with the complainant he had undertaken to pay a sum



of Rs. 66,000/- for each of the three Madarasas which were given to him for operating the same in the district of Kaimur and Rohtas. He had issued three cheques for Rs. 1,84,000/- but those cheques were returned by the Banker in want of sufficient fund.

In the application seeking anticipatory bail there is no detail as to when the order taking cognizance and issuance of summon was passed calling upon the petitioner to appear before the court below but from the certified copy of the order dated 13.03.2019 produced on behalf of the complainant it appears that in this case the petitioner having failed to appear, he has been declared absconder and even after issuance of the process under Section 82 Cr.P.C. on 05.01.2019 when he failed to appear, the court below has issued process under Section 83 Cr.P.C. vide order dated 13.03.2019.

Since the process under Section 83 Cr.P.C. has already been issued against the petitioner, this application for anticipatory bail cannot be entertained.

The application is thus dismissed.

(Rajeev Ranjan Prasad, J)

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