

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62842 of 2019

Arising Out of PS. Case No.-1849 Year-2002 Thana- PATNA COMPLAINT CASE District-
Patna

MD. SHAKEEL AHMAD Son of Late Shaikh Idris Resident of Village -
Shahkund, P.S.- Shahkund, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Associate Cement Company Ltd. (ACC for short) a Company Registered under the Companies Act 1956, Having its Registered office at 121 Maharshi Karve Road, Mumbai -400020, and Its Regional Marketing Office at Samridhi, S.P. Verma Road, P.S.- Kotwali, Distt.- Patna Through its marketing officer Uday Kumar Mallick.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda
For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-10-2019 The petitioner apprehends his arrest in connection with Complaint Case No. 1849(C) of 2002 in which cognizance under Section 406 and 420 of the Indian Penal Code has been taken by the learned Magistrate.

Allegation against the petitioner, in brief, is that petitioner had started a business of cement in the name and style of Shakeel Enterprises. It has further been alleged that on request of the petitioner, ACC Cement Company supplied cement to the petitioner on the assurance of the petitioner that he would be paying the amount on regular basis. It has further been alleged that accused petitioner received cement but did not



pay a sum of Rs. 1,24,233/- up till 29.05.2000 to the company.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and from perusal of the complaint, it appears that the dispute between the parties is of civil nature. He further submits that he is ready and willing to deposit a sum of Rs. 1,24,233/- in the account of ACC Cement Company.

On the other hand, learned counsel for the State vehemently opposes the prayer for anticipatory bail and submits that present application is not maintainable inasmuch as the process, under Sections 82 and 83 Cr.P.C., has already been issued against him and the petitioner has been declared absconder and further petitioner had filed anticipatory bail before the court below which was rejected in the year 2016 but the petitioner did not take any step after rejection of his anticipatory bail by the learned court below in 2016.

Having regard to the submissions made by the parties and taking into consideration the fact that process, under Sections 82 and 83, has already been issued against the petitioner as such I am not inclined to grant anticipatory bail to the petitioner as such the same is rejected.

However, if the petitioner surrenders before the learned



court below within a period of four weeks and seeks regular bail with proof of deposit of a sum of Rs. 1,24,233/- in the account of ACC Cement Company, subject to final outcome of the case, the learned court below may consider the prayer for regular bail of the petitioner preferably on the same day without being prejudiced with the fact that present application has been dismissed by this Court.

(Anil Kumar Sinha, J)

sujit/-

U		T	
---	--	---	--

