

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42859 of 2022**

Arising Out of PS. Case No.-399 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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DR. SANJEEV KUMAR AGARWAL @ DR. SANJIV KUMAR AGARWAL
S/o Late Arbind Kumar Agarwal R/o Mohalla- Mungeriganj, Arbind Sobha
Memorial Dental Hospital, Kharag Narayan Road, P.S.- Begusarai, District-
Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prakash Kr. Agarwal S/o Late Sukhdeo Narayan Agarwal R/o Mohalla-
Mungeriganj P.N. Bazar and Jewelers Main Road, P.S.- Nagar, District-
Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr.Adv. Mr.Ambrish Kumar Jha
For the Opposite Party/s :		Mr.Lalan Kumar Mr.Md. Fazle Karim

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 15-12-2022 Heard learned counsel for the petitioner, learned
A.P.P. and learned counsel for complainant/opposite party no. 2.

The petitioner apprehends his arrest in a case
registered for the offence under Sections 406, 420 and 34 of the
Indian Penal Code.

As per the prosecution case, petitioner had borrowed
Rs. 1,24,36,512/- from complainant/opposite party no. 2 for
starting a business and assured him to return the same within a
year. On 21.01.2019, the petitioner handed over a cheque of
aforesaid amount to complainant, which got bounced due to



insufficient fund and thus, the petitioner cheated the complainant and misappropriated the amount.

It is submitted on behalf of petitioner that for the same purpose, the complainant has filed a complaint case, vide Complaint Case No. 278C of 2019 for the same allegation with same prosecution story. It is further submitted that the complainant, in connivance with brother of petitioner, filed several complaint cases of similar nature against this petitioner only with a view to harass him.

However, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that petitioner is habitual offender and he is accused in as many as 8 cases. Reference of which has been given in paragraph 15 of the counter affidavit. He further submits that after conviction in complaint case no. 278C/2019, the petitioner preferred Cr.Appeal No. 25/2022, which too stood dismissed with direction to him to surrender before the court below, but petitioner did not surrender. He next submits that process of Section 82 Cr.P.C. has already been issued in Complaint Case No. 635C/2019, vide order dated 10.11.2022 and as such, the petitioner does not deserve the privilege of anticipatory bail.

Considering the nature of accusation as well as



criminal antecedent and conduct of the petitioner, his prayer for anticipatory bail is rejected.

(Prabhat Kumar Singh, J)

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