

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9725 of 2024

Arising Out of PS. Case No.-347 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Sidhi Singh, the Managing Director of the Maihar Builders, Private Limited
Son of Late Ishwar Dayal Singh Resident of Mohalla-Pali Road, Gandhi
Nagar, P.S.-Dehri, Distt.-Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Sanjay Kumar Son of late Chandeshwar Singh Resident of Mohalla-
Kharanja Road, New Mainpur, P.S. and P.O.-Danapur, Distt.-Patna
- Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Ujjwal Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Sharda Kumari, APP
For the Informant/s	:	Mr. Ashok Kumar Sinha, Advocate

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 11-03-2024 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State as well as learned

counsel has for informant.

2. The petitioner is apprehending his arrest in

connection with Complaint Case No. 347C of 2022 registered

for the offence punishable u/s 406 of the Indian Penal Code.

3. Learned counsel for the petitioner has submitted

that the petitioner is innocent and has falsely been implicated in

this case. The petitioner has one criminal antecedent as stated in

para 3 of the bail petition. Learned counsel has submitted the

dispute relates to distribution of share in profit earned from

contract. There is any document on the record to show their



partnership for carrying out railway contract works, therefore, it can be summed up that dispute between the parties is of civil nature. It is further submitted that the anticipatory bail application is maintainable despite the issuance of the process u/ss 82 and 83 of the Cr.P.C.

4. Learned A.P.P. for the State as well as learned counsel has for informant have vehemently opposed the prayer for anticipatory bail of the petitioner. Learned counsel has further submitted that the instant anticipatory bail application is not maintainable as the process u/ss 82 and 83 of the Cr.P.C. has already been issued against the petitioner. The petitioner is declared a proclaimed offender. Learned counsel for the informant has further relied upon the case of ***(Abhishek vs. State of Maharashtra (2022) 14 SCC 529)*** where it was held that *“As regards the implication of proclamation having been issued against the appellant, we have no hesitation in making it clear that any person, who is declared as an ‘absconder’ and remains out of reach of the investigating agency and thereby stands directly at conflict with law, ordinarily, deserves no concession or indulgence.”* Reliance has further been placed on the decisions of ***(Lavesh vs. State (NCT of Delhi) (2012) 8 SCC 730, Adri Dharan Das vs. State of W.B. (2005) 4 SCC***



303) and (*Prem Shankar Prasad vs. State of Bihar 2021 SCC Online SCC 955*) and in the case of (*State of Haryana vs. Dharamraj (Cr. Appeal No. 2635 of 2023 @ out of SLP (Cri.) No. 2256 of 2022, reported in 2023 LiveLaw (SC) 739: 2023 INSC 784*) disposed of 29.08.2023 wherein the Hon'ble Apex Court has held that: "*Anticipatory bail can be granted to a person to a proclaimed offender only in exceptional and rare case.*" It is further submitted that the materials available on the record do not reveal any exceptional or rare case due to which the plea of anticipatory bail may be considered.

5. Considering the aforesaid facts and circumstances of the case as well as the fact that the process u/s 82 and 83 has been issued against the petitioner, accordingly, the anticipatory bail petition is not maintainable. Accordingly, the same is disposed of with direction to the petitioner to surrender to the Court below within a period of six weeks from the date of this order and the Court below will consider the prayer of the bail of the petitioner in accordance with law without being prejudice by this order.

(Chandra Prakash Singh, J)

atul/-

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

