

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72780 of 2023

Arising Out of PS. Case No.-157 Year-2022 Thana- MOKAMAH District- Patna

DILIP KUMAR DIWAKAR son of Late Anup Lal Anup Director, Active Group of Company R/o- Vijay Nagar Ps Dist- Katihar, P/A- R/o- Budh Nagar Ps- Pranpur Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar Son of Naresh Ram R/o village - Shivnar, P.S.- Mokama, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Najeeb Ahmad, Adv.
For the Opposite Party/s :	Mr. Dilip Kumar No.1, APP.
	Mr. Arvind Kumar, Adv.
	Mr. Anil Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

10 19-11-2024 Heard Mr. Najeeb Ahmad, learned counsel for the petitioner, Mr. Dilip Kumar No.1, learned A.P.P. for the State and Mr. Arvind Kumar, learned counsel for the informant.

2. The petitioner apprehends his arrest in connection with Mokama P.S. Case No. 157 of 2022 registered for the offences punishable under Sections 406, 420, 467, 468, 471, 120(B), 34 of the Indian Penal Code.

3. As per the FIR, the informant as an agent of Active Rural Development India Ltd. used to collect money for trade of company from customers in lieu of getting commission from Active Group of Company. Despite maturity and due for



repayment to the depositor, company is not paying the deposit money along with the profit money as per the agreement made.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. Prior to the present case, a Complaint case No. 63/2019 has been filed against the petitioner as such there is no justification for lodging fresh FIR for the same alleged offence under Section 406, 420, 467, 468, 471, 120(B) and 34 of the Indian Penal Code. It is further submitted that similarly situated co-accused have been granted anticipatory bail by the learned Court below itself. Learned counsel further submits that petitioner has five criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail. Learned counsel for the informant submits that prior to the present case, a complaint case bearing Complaint Case No. 67/2019 has also been filed for the same offence and in the said case, the prayer of the petitioner for anticipatory bail has been rejected by a co-



ordinate Bench of this Court with a reasoned order vide order dated 18.05.2022 passed in Cr. Misc. No. 41227 of 2021. Thereafter, the petitioner approached the Hon'ble Apex Court against the order dated 18.05.2022 passed by this Court and filed Special Leave Petition to appeal (Cr.) No. 7853 of 2022 wherein it was directed to the petitioner to deposit a sum of Rs. 1 crore in two installments of equal amount in the Registry of this Court within 10 weeks, but till date the aforesaid order passed by the Hon'ble Apex Court has not been complied by the petitioner. Hence, he does not deserve the privilege of anticipatory bail.

6. Considering the facts and circumstances of the case and particularly considering the fact that petitioner has not complied the order passed by the Hon'ble Apex Court, I am not inclined to enlarge him on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. Accordingly, the application stands dismissed.

(Anjani Kumar Sharan, J)

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