

[2026:JHHC:29879]

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.5539 of 2026

Sandeep Kumar Agrawal, son of Late Indra Chand, aged about 45 years, R/o Plot No. 4, Block No. 49, Nehru Nagar East, Motilal Nehru Nagar, Bhilai, PO and PS- Bhilai, District- Durg, Chhatisgarh.

.... Petitioner

Versus

1. The State of Jharkhand
 2. Abhisek Agarwalla S/o Binod Kumar Agarwalla R/o Flat No. G/H, Block B, Hirak Square, Menuco More Bhawardaha, P.O.- Bagdaha, P.S. Barwadda, District- Dhanbad (Jharkhand) PIN- 826004
- Opposite Parties.

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Ajit Kumar, Sr. Advocate
Mr. Parth Jalan, Advocate.

For the State : Mr. Subodh Kr. Dubey, Addl.P.P.
Mr. Sumeet Gadodia, Advocate.
Mr. Anish Lal, Advocate.

Order No:-03 Dated:-06-10-2026

Heard the parties.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Govindpur P.S. Case No. 498 of 2025 registered for the offences punishable under Sections 316(5), 316(2), 318(4), 61(2) and Section 3(5) of the B.N.S., 2023.

Learned senior counsel for the petitioner submits that the allegation against the petitioner is that the petitioner in furtherance of common intention with the co-accused person and in criminal conspiracy with them, has cheated the informant and has committed criminal breach of trust by fraudulently and dishonestly inducing the informant to supply fire-brick for his coke plant on credit, but ultimately did not pay the consideration amount for the same. It is next submitted by the learned senior counsel for the petitioner that there is

a series of litigation between the parties and the petitioner is also involved in three other cases of similar nature filed by different persons as mentioned in para-07 of this anticipatory bail application. It is further submitted that though proclamation under Section 82 of the Cr.P.C. has already been made against the petitioner, the petitioner has not appeared before the court concerned. It is next submitted by relying upon the order of Hon'ble Supreme Court of India in the case of *Asha Dubey versus State of Madhya Pradesh* reported in (2024) SCC OnLine SC 5633 that in para-08 therein, it has been mentioned that even after the proclamation under Section 82 of the Cr.P.C. there will not be a total embargo in considering the application for grant of privilege of anticipatory bail and in that case, the Hon'ble Supreme Court of India granted privilege of anticipatory bail to the appellants even though, the proclamation under Section 82 of the Cr.P.C. was made in that case. It is then submitted that the allegation against the petitioner is false and the dispute is pending before the National Company Law Tribunal, Ahmedabad and the allegations are primarily against the co-accused, Sanjany Kumar Agarwal. Hence, it is submitted that the petitioner be given the privilege of anticipatory bail.

Learned counsel appearing for the State and learned counsel for the opposite party no.2 vehemently opposes the prayer for grant of anticipatory bail and submits that keeping in view the serious allegation against the petitioner of cheating the informant of huge amount of money, the custodial interrogation of the petitioner is required during the pendency of the investigation, but the petitioner is not cooperating with the investigation of the case and is absconding and even though the proclamation under Section 82 of the Cr.P.C. has already been made against the petitioner, but still he has not appeared before the learned trial court on the date fixed without any plausible reason. It is next submitted that the fact of this case is entirely different facts of from the case of *Asha Dubey versus State of Madhya Pradesh (Supra)* as the petitioner is a hardcore criminal and a habitual cheater which is evident from three other cases of similar nature made by different persons not related to the informant of this case; against him

and there is every chance of the petitioner of absconding and tampering with evidence. Hence, petitioner ought not be given the privilege of the anticipatory bail to the petitioner.

Considering the serious nature of allegations against the petitioner of cheating the informant of huge amount of money, the requirement of his custodial interrogation during the investigation of the case and the fact that though the proclamation under Section 82 of the Cr.P.C. has already been made against the petitioner, but petitioner is absconding and is not cooperating with the investigation of this case and the chance of his absconding and tampering with the evidence, if released on bail as well as his criminal antecedent, this Court is of the considered view, this is not a fit case where the petitioner be given the privilege of anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the above-named petitioner is rejected.

In view of the disposal of this anticipatory bail application, pending interlocutory application, if any, is also disposed of being infructuous.

(Anil Kumar Choudhary, J.)

Dated:- 06.10.2026
Amar/