

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17863 of 2018

Arising Out of PS.Case No. -414 Year- 2017 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

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Badri Prasad, S/o Late Deonarayan Mahto, Resident of Village - Dubauliya,
P.S. - Nautan, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate.
For the informant : Mr. Bimlenshu Kumar Pandey, Advocate.
Mr. Surendra Sao, Advocate.
For the Opposite Party/s : Mr. Harendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 27-04-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned counsel for the State.

The petitioner apprehends his arrest in **Nautan P.S.**
Case No. 414 of 2017 instituted for the offence under Sections
147, 148, 149, 341, 447, 323, 325, 307, 302, 504 and 506 of the
Indian Penal Code.

Learned counsel for the informant has submitted that
he has filed counter affidavit stating that process under Section 82
Cr. P.C. has already been issued against this petitioner vide order
dated 16.04.2018 and, therefore, the anticipatory bail of the
petitioner is not maintainable. In support of which, the learned
counsel for the informant has relied upon a decision reported in



A.I.R. 2014 page 626 (State of Madhya Pradesh Vrs. Pradeep Sharma).

Learned counsel for the informant has submitted that process under Section 82 (1) Cr. P.C. has been issued and petitioner has not been declared proclaimed offender under Section 83 of the Code of Criminal Procedure.

This Court finds that Hon'ble Supreme Court has observed in paragraph-12 of the Judgment that if anyone has been declared as an absconder/ proclaimed offender in terms of Section 82 of the Code, he is not entitled to the relief of anticipatory bail.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the court below and make prayer for regular bail.

(Sanjay Priya, J)

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