

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21724 of 2018

Arising Out of PS.Case No. -100 Year- 2017 Thana -KIHIRI MORE District- PATNA

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Dhananjay Sharma S/o Late Sukhdeo Sharma, R/v Rukunpura, P.S.-
Khirimore, Distt.- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Sri Vinod Shankar Modi

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 16-05-2018 Heard learned counsel for the petitioner and the State.

During hearing of this petition, it has been submitted on behalf of the informant as well as State that the process under Section-82 Cr.P.C. has already been issued and the same has also been executed which is apparent from perusal of paragraphs-112 & 117 of the case diary. Therefore, anticipatory bail application is not maintainable in view of the decision of Hon'ble Supreme Court reported in 2014(2) SCC 171 (State of Madhya Pradesh Vs Pradeep Sharma) in which, the Hon'ble Supreme Court has held as follows:

“If anyone is declared as an absconder/proclaimed offender in terms of S.82 Cr.P.C., he is not entitled to relief of anticipatory bail”.

Counsel for the petitioner has filed decision of this



court reported in **2005(3) PLJR 746 (Krishna Murari Yadav Vs. State of Bihar)** as well as decision of the Apex Court reported **AIR 1980 SCC 1632 (Gurbaksh Singh Sibbia Vs Sarbajit Singh & Anr.)**

This court after relying on the decision of Hon'ble Supreme Court reported in 2014(2) SCC 171 (State of Madhya Pradesh Vs Pradeep Sharma) is not inclined to grant anticipatory bail to the petitioner. Therefore, the prayer of anticipatory bail of petitioner stands rejected.

The petitioner is directed to surrender in the court below and seek regular bail, which shall be considered in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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