

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58094 of 2018

Arising Out of PS.Case No. -20 Year- 2018 Thana -JADIA District- SUPAUL

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1. Sushil Paswan @ Sushil Kumar Paswan, S/o Late Surya Narayan Paswan, R/o Vill.- Jadiya, P.S.- Jadia, District- Supaul.
2. Brajesh Paswan @ Brajesh Kumar Paswan S/o Late Chandeshwari Paswan, R/o Vill.- Datua, P.S.- Jadia, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun
For the State : Renu Kumari, APP
For the informant : Mr. Prafull Chandra Thakur, Adv.
Mr. Dinesh Choudhary, Adv.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-11-2018 Heard the parties.

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 341, 323, 448, 379, 307, 504, 506, 427 of the Indian Penal Code and 27 of the Arms Act.

At the outset, a preliminary objection has been raised on behalf of the informant on the point of maintainability of the anticipatory bail application as the petitioners have been declared proclaimed offenders/absconders u/S 82 of the Cr.P.C. In support of his contention, he placed reliance upon an order reported in **(2012) 8 SCC 730 (LAVESH Vs NCT OF DELHI)**. Counsel for the informant relies upon paragraph-12 of the said order, which is as follows:

“From these materials and information, it is clear that the



present appellant was not available for interrogation and investigation and was declared as “absconder”. Normally, when the accused is “absconding” and declared as a “proclaimed offender”, there is no question of granting anticipatory bail. We reiterate that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in terms of Section 82 of the Code he is not entitled to the relief of anticipatory bail”.

Considering the submissions made on behalf of the parties, I find that the present application filed in connection with Jadia P.S. Case No. 20 of 2018 is not maintainable. The same is dismissed being not maintainable.

If the petitioners surrender in the court below and seek regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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