

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6265 of 2019

Arising Out of PS. Case No.-190 Year-2018 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Md. Snaullah , aged about 40 yeas, Gender-Male
 2. Md. Jiyauallah, aged about 38 years, Gender-Male
Both are sons of Md. Gyasuddin
 3. Md. Gyasuddin, son of Md. Ashique, aged about 64 years, Gender-Male
All are residents of Village- Sakarbasa, P.S. Cheriya Bariyarpur, District
Begusarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ygoesh Chandra Verma, Sr. Advocate Mr. Saroj Kumar Sharma Mrs. Ranjana Srivastava Ms. Kiran Kumari Sharma, Advocates
For the State	:	Mr. Aditya Narayan Singh.1, APP
For the Informant	:	Mr. Shubbesh Pandey, Mr. Neeraj Kr. Painali, Advocates

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 13-03-2019 Heard learned senior counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Section 303/34 of the Indian Penal Code registered in connection with Cheriya Bariyarpur P.S. Case No. 190 of 2018.

3. At the very outset, learned APP invites reference to paragraph 43 of the case diary to submit that process under Section 82 of the Cr.P.C. has been concluded and the petitioners have been declared as absconder.



4. Having regard to the submission of the APP, the anticipatory bail petition cannot be entertained in view of the observations of the Apex Court in the case of *Lavesh vs. State (NCT of Delhi)*, (2012) 8 SCC 730, in para 12 whereof it has been observed as follows –

“12. From these materials and information, it is clear that the present appellant was not available for interrogation and investigation and 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 is not entitled the relief of anticipatory bail.”

5. Similar view has been expressed in *State of M.P. vs. Pradeep Kumar*, (2014) 2 SCC 171.

6. The anticipatory bail petition stands dismissed as not maintainable.

BT/-

(Vikash Jain, J)

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