

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.11056 of 2019

Arising Out of PS. Case No.-84 Year-2018 Thana- KINJAR District- Jehanabad

Rahul Singh, aged about 28 years, Male, Son of Late Sidhnath Yadav,
Resident of Village-Sardha Chapra, P.O.-Saidabad, P.S.- Kanpa Ranitalab,
District Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Shiyajanki Devi, aged about 51 years, Female Wife of Late Ramesh Yadav
Resident of Village-Prainiya, P.S.-Kinjar, District Arwal

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Praveen Kumar, Advocate
For the State	:	Mr. J.K. Singh, APP
For the Informant	:	Mr. Nitya Nand Neeraj, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

- 3 26-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 341, 323, 504, 506, 307 and 498 of the
Indian Penal Code and Sections 3/4 of the Dowry Prohibition
Act registered in connection with Kinjar P.S. Case No. 84 of
2018.

3. At the very outset, learned APP invites reference to
paragraph 150 of the case diary to submit that process under
Section 82 of the Cr.P.C. has been concluded on 19.02.2019 and
the petitioner has 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.

(Vikash Jain, J)

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