

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19758 of 2019**

Arising Out of PS. Case No.-319 Year-2018 Thana- BHABHUA District- Kaimur (Bhabua)

HARENDRA YADAV @ HARENDRA KUMAR Son of Birendra Singh
Resident of Village - Mankhan, P.S.- Mohania, District Kaimur at Bhabua

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 03-04-2019

Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 302/201 IPC registered in connection with Sessions Trial No. 245 of 2018, arising out of Bhabua (Sonhan) P.S. Case No. 319 of 2018.

3. At the very outset, learned APP submits that process under Section 82 Cr.P.C. has been concluded and the petitioner has been declared as absconder as noticed in the order of the learned Additional Sessions Judge.

4. Having regard to the submission of learned APP the anticipatory bail petition cannot be entertained in view of the observations of the Apex Court in the case of Lavesb 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)

Chandran/-

U		T	
---	--	---	--

