

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23695 of 2019

Arising Out of PS. Case No.-190 Year-1997 Thana- AMNAUR District- Saran

Hari Madhaw Shukla S/o Late Madan Gopal Shukla R/o village- Bagahi
Kuwari, P.S.- Amnour, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra
For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 01-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
Amnour P.S. Case No. 190 of 1997 registered for the offence
punishable under Section 395 of the Indian Penal Code.

From perusal of record, it appears that the process
under Section 82 Cr.P.C. has been issued against the petitioner
on 22.08.2016 and the petitioner has been declared as
proclaimed absconder.

Hon'ble Supreme Court in *Lavesh Vs. State (NCT of
Delhi) reported in (2012) 8 SCC 730* has been pleased to rule
that 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 the relief of anticipatory bail.

Hence, without going into the merit of the case, the prayer for bail of the petitioner is dismissed as not maintainable.

However, petitioner is directed to surrender before the court below within six weeks from the date of this order and seeks regular bail and the court below shall pass order in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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