

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29817 of 2019

Arising Out of PS. Case No.-141 Year-2017 Thana- ALAMNAGAR District- Madhepura

AJAY RAJAK S/O Phudal Rajak Resident of Village- Khapur, P.S.-
Alamnagar (Ratwara O.P.), District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the State : Mr. J.K.Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 01-08-2019 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, 307, 302, 34 of the Indian Penal Code registered in connection with Alamnagar P.S. Case No. 141/2017.

3. At the very outset, learned APP submits on the basis of paras 69 and 70 of the case diary that process under Section 82 Cr.P.C. has been concluded and the petitioner has been declared as absconder.

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 appellat 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 Sharma (2014) 2 SCC 171.

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

(Vikash Jain, J)

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