

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38127 of 2019

Arising Out of PS. Case No.-258 Year-2018 Thana- DURAULI District- Siwan

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Dhanoj Pandey @ Dhanoj Kumar Pandey male aged about 29 years Son of
Late Saral Pandey (Now dead) Resident of Village - Nepura, P.S.- Darauli,
District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Chandra Kant, Advocate
For the Opposite Party : Mr. Jitendra Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-06-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 147, 148, 149, 302 and 338 of the Indian
Penal Code and Section 27 of the Arms Act registered in connection
with Darauli P.S. Case No. 258 of 2018.

3. At the very outset, learned APP invites reference to
the order of learned 7th Additional Sessions Judge, Siwan dated
26.03.2019 passed in A.B.P. No. 42 of 2019 to submit that process
under Section 82 of the Cr.P.C. has been concluded 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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