

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37435 of 2019**

Arising Out of PS. Case No.-36 Year-2018 Thana- SUIYA District- Banka
=====

REENA DEVI @ RUBY DEVI Wife of Dilip Yadav Resident of Village -
Habridih, P.S.- Suiya, Dist.- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party
=====

Appearance :

For the Petitioner : Mr.Ranjan Kumar Jha, Advocate.

For the Opposite Party: Mr. Anand Kishore Choudhary, APP
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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 06-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends her arrest for the offences alleged under Sections 147, 149, 328, 302 of the Indian Penal Code registered in connection with Suiya P.S. Case No. 36 of 2018.

3. At the very outset, learned APP submits on the basis of paragraph-32 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 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 Sharma (2014) 2 SCC 171.*

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

7. If the petitioner surrenders and seeks regular bail before the learned Court below the same shall be considered on its own merit in accordance with law, without being prejudiced by any observation in the present order.

(Vikash Jain, J)

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