

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46353 of 2019
Arising Out of PS. Case No.-213 Year-2013 Thana- SIRDALA District-
Nawada

- =====
1. REKHA KUMARI @ REKHA DEVI W/o Vijay Pratap Resident of Village -
Neemchak Pasarhi, P.S.- Meskaur, (Sirdalla), Dist.- Nawada.
 2. Kanchan Devi W/o Ran Nandan Prasad Resident of Village - Ram Bigha,
Jhunathi, P.S.- Muffasil, Dist.- Nawada.
 3. Tek Narayan Prasad @ Tek Narayan Prasad Yadav Son of Late Vidyadhar
Prasad Yadav Resident of Village - Neemchak Pasarhi, P.S.- Meskaur,
(Sirdalla), Dist.- Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioners : Mr. Pranav Kumar, Advocate.

For the Opposite Party: Mr. Satyendra Narayan Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 16-10-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have renewed their prayer for anticipatory bail in connection with Sirdalla (Meskaul) P.S. Case No. 213 of 2013, G.R. No. 15406 of 2015 for the offences under Sections 302, 201/34 of the Indian Penal Code, having earlier been rejected by this Court by order dated 21.10.2014 in Cr. Misc. No. 23594 of 2014 and Cr. Misc. No. 24340 of 2014.

3. Pursuant to the order dated 07.08.2019, a report dated 28.08.2019 has been received from the Incharge ACJM-V, Nawada, *inter alia*, stating that process under Section 82 Cr. P.C. was issued against the petitioner on 03.09.2015 and similarly



process under Section 83 Cr. P.C. had been issued on 11.01.2016 showing the petitioner as absconder.

4. Having regard to the above facts, 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 Sharma* (2014) 2 SCC 171.

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

(Vikash Jain, J)

lbrar//-

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

