

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50047 of 2018

Arising Out of PS. Case No.-19 Year-2018 Thana- BENIPATTI District- Madhubani

Shiv Narain Yadav, son of Basudev Yadav, Panchayat Secretary of Gram Panchayat Benipatt, resident of Village- Pachahi, Police Station- Madhepur, District- Madhubani.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Suraj Narain Yadav, Mr. Umesh Prasad, Advocates
For the Opposite Party	:	Mr. Rajendra Pd. Nat, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 11-03-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 406, 409, 467, 468, 471, 420 and 34 of the Indian Penal Code registered in connection with Benipatti P.S. Case No. 19 of 2018.

3. At the very outset, learned APP invites reference to paragraph 22 of the supplementary case diary 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.

BT/-

(Vikash Jain, J)

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

