

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40697 of 2019

Arising Out of PS. Case No.-662 Year-2018 Thana- HAJIPUR District- Vaishali

ANAND JAISWAL @ ANDA @ ANAND KUMAR Son of Mukesh Jaiswal
@ Mukesh Chaudhary Resident of Mohalla- Nakhsh Chowk, P.S.- Hajipur
Town, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 05-09-2019 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, 149,295(A), 153(a), 302 IPC and Section 27 of the Arms Act registered in connection with Hajipur Town P.S. Case No. 662 of 2018.

3. At the very outset, learned APP submits that process under Section 82 Cr.P.C. has been concluded and the petitioner has been declared as absconder as noticed in the order of the learned Additional District & Sessions Judge.

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 Lavesha 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)

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