

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43407 of 2019

Arising Out of PS. Case No.-334 Year-2013 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Pradeep Kumar Rajak Son of Mahendra Baitha, Resident of Village-
Dhrubgama, P.S.- Kalyanpur, Distt- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Smt. Uma Kumari Wife of Pradeep Kumar Rajak, Resident of Village-
Dhrubgama, P.S.- Kalyanpur, District- Samastipur. At present Smt. Uma
Kumari D/o Shri Ram Sundar Rajak, Resident of Village- Konbajitpur, P.S.-
Muffasil, Distt.- Samastipur.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 24-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case is seeking anticipatory
bail in connection with Complaint Case No. 334 of 2013 in
which cognizance has been taken for the offences punishable
under Sections 498 (A), 494 of the Indian Penal Code.

Today, no one appears on behalf of the complainant-
opposite party no. 2. On 20.09.2019 the matter was adjourned to
enable learned counsel for the parties to find out as to whether
the dispute between the parties may be resolved amicably. Since
learned counsel for the complainant-opposite party no. 2 has not
appeared, the effort towards the amicable settlement seems to



have failed.

So far as the case on merit is concerned, it is a case lodged in the year 2013 in which from the impugned orders it appears that after issuance of bailable warrant and non-bailable warrant when the petitioner did not appear, process under Section 82 Cr.P.C. was issued vide order dated 12.05.2015.

Considering the facts and circumstances of the case, where the petitioner is absconding for a long time and process under Section 82 Cr.P.C. has already been issued, in view of the mandate of the judicial pronouncement of Hon'ble Supreme Court in the case of **Lavesh Vs. State (NCT of Delhi)** reported in **(2012) 8 SCC 730**, the prayer for anticipatory bail cannot be entertained. The application is, thus, dismissed.

In case, petitioner surrenders in the court below and prays for regular bail within a period of four weeks from today, the same shall be considered on its own merit on the basis of the materials available on the record without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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