

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68747 of 2018

Arising Out of PS. Case No.-182 Year-2017 Thana- SANDESH District- Bhojpur

Akhilesh Yadav Son of Shatrudhan Yadav Resident of Village-Panpura P.S.
Sandesh District - Bhojpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 26-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 304(B)/34 of the Indian Penal Code registered
in connection with Sandesh P.S. Case No. 182 of 2017.

3. At the very outset, learned APP invites reference to
paragraphs 237 and 245 of the 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/Chandran

(Vikash Jain, J)

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