

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55953 of 2019

Arising Out of PS. Case No.-123 Year-2017 Thana- SURYAGARHA District- Lakhisarai

1. RAM BALAK YADAV Son of Natho Yadav Resident of Village- Nista, P.S.-
Suryagarha, District- Lakhisarai.
2. Rajesh Kumar Son of Janardan Yadav Resident of Village-Nista, P.S.-
Suryagarha, District-Lakhisarai.
3. Ranjit Kumar Son of Janardan Yadav Resident of Village-Nista, P.S.-
Suryagarha, District-Lakhisarai.
4. Deepak Kumar Son of Krishnandan Yadav Resident of Village-Nista, P.S.-
Suryagarha, District-Lakhisarai.
5. Chhotu Kumar Son of Bisheshwar Yadav Resident of Village-Nista, P.S.-
Suryagarha, District-Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bharat Lal
For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 12-09-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 448, 323, 324, 307, 302, 120B IPC and Section 27 of the Arms Act registered in connection with Suryagarha P.S. Case No. 123 of 2017.

3. At the very outset, learned APP assisted by learned counsel for the informant points out from the supplementary affidavit filed on behalf of the petitioners, *inter alia*, enclosing a copy of the order dated 14.08.2019 from which it transpires that process under Section 82 Cr.P.C. has already been issued. It is therefore, submitted that the present petition seeking anticipatory bail by the petitioners is not maintainable 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.”

4. Similar view has been expressed in State of M.P. vs. Pradeep Sharma, (2014) 2 SCC 171.

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

(Vikash Jain, J)

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