

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66798 of 2018

Arising Out of PS. Case No.-617 Year-2010 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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1. Veena Devi @ Kunti Devi W/o Raghunath Prasad,
 2. Amrendra Kumar @ Kumar Amrendra Niraj, S/o Kailash Prasad @ Kailash Prasad Yadav, Both resident of Village- Kusahan, P.S.- Sirdala, District- Nawada.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Ramswaroop Prasad, S/o Late Rameshwar Prasad, Resident of Village- Chand Bigha, P.S.- Sirdala, District- Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kiran Sinha
For the Opposite Party/s : Mr. Panchanand Pandit

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 25-02-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 406, 323, 379 IPC and Section 27 of the Arms Act registered in connection with Complaint Case No. 617/2010.

3. At the very outset, learned counsel for the complainant makes a statement at the Bar that process under Section 82 Cr.P.C. has been concluded and the petitioners have been declared as absconders as noticed in the order of the learned Sessions Judge.

4. Having regard to the statement of the complainant, 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.

(Vikash Jain, J)

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