

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75527 of 2019**

Arising Out of PS. Case No.-85 Year-2019 Thana- MAHILA P.S. District-
Nalanda

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MUKUL KUMAR Son of Pawan Singh Resident of Harnaut, Gonawan Road,
North to Road in West of Crossing, P.S.- Harnaut, District- Nalanda.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. xyz

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Suryakant Kumar
	Mr. Sanjay Singh, Advocate.
For the O.P. No. 2 :	Mr. Mr. Shivendra Kr. Sinha, Advocate
For the State :	Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 376, 323, 504, 506, 313/34 of the Indian
Penal Code and Section 34 of the Dowry Prohibition Act
registered in connection with Mahila P.S. Case No. 85 of 2019.

3. At the very outset, learned APP submits on the basis
of paragraph-62 of the case diary that process under Section 82
Cr.P.C. has been concluded against the petitioner .

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 *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 Sharma (2014) 2 SCC 171.

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

7. If the petitioner surrenders and seeks regular bail before the learned Court below the same shall be considered on its own merit in accordance with law on the same day, without being prejudiced by any observation in the present order.

(Vikash Jain, J)

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