

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83287 of 2019**

Arising Out of PS. Case No.-623 Year-2016 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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BEBI DEVI W/o Sujit Thakur @ Sujit Kumar Resident of Village-
Madhubani, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ramanand Kumar Suman @ Ramamamd Kumar Suman S/o Late Chandar
Ram Resident of Village- Madhubani, Harijan Tola, Ward No. -6, P.S.-
Sadar, District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.
For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 17-02-2020 This application has been filed for cancellation of the

anticipatory bail to O.P.no.2 vide order dated 14.11.2019

passed by the learned Addl. Sessions Judge Ist, Muzaffapur in

ABP No.3528 of 2019 arising out of Sadar P.S.Case No.623 of

2016 under Section 341, 323, 324, 380, 511, 120(b), 504,

506/34 of the IPC and Sections 6/7 of the POCSO Act.

Submission of the learned counsel for the O.P.no.2 is

that in this case after process issued under Sections 82 and 83 of

the Cr.P.C., anticipatory bail has been granted to the O.P.no.2

which will appear from Annexure -2 as such this order granting

anticipatory bail is not sustainable.

Heard the learned APP and perused the impugned



order as well as annexure 2, from which it appears that on 4.5.2019 the case was fixed on 20.5.2019 for execution of the processes under Section 82 ODF the Cr.P.C. and on 20.5.2019 without any compliance report of Section 82 of the Cr.P.C. processes under Section 83 of the Cr.P.C. has been issued against the O.P.no.2 and even as per order dated 2.7.2019 and 20.8.2019 without waiting for the execution report of the processes issued under Section 82 and 83 of the Cr.P.C. he has been declared absconder and considering the same it appears that the order declaring absconder appears to be without application of mind, as such granting anticipatory bail to the O.P.no.2 vide order dated 14.11.2019 can not be cancelled on that ground.

In view of that I find no merit in this application.
Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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