

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20100 of 2020

Arising Out of PS. Case No.-47 Year-2017 Thana- TAJPUR District- Samastipur

MANISH RAI S/o Shukrit Ray Resident of Village- North Dhamoun, P.S.-
Patori, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Bhushan Verma, Advocate

For the Opposite Party/s : Mr. J.K.Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

5 24-02-2021 Heard learned counsel for the petitioner and learned

APP for the State. Learned counsel for the petitioner hereby undertakes to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The petitioner has renewed his prayer for anticipatory bail in connection with Tajpur P.S. Case No. 47 of 2017, having earlier been rejected by order dated 05.07.2019 in Cr. Misc. No. 41408 2019 for the alleged offences under Section 387 of the Indian Penal Code.

3. At the outset, this Court takes note from the case diary that processes under Sections 82 and 83 of the Cr.P.C. have been concluded against the petitioner.



4. In its judgment rendered in the case of *Lavesh Vs. State (NCT of Delhi)*, (2012) 8 SCC 730, it has been observed by the Hon'ble Supreme Court as follows in para 12-

“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 to the relief of anticipatory bail.”

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

6. Learned APP appears and has been heard.

7. Having regard to the observations of the Hon'ble Supreme Court as aforesaid, the anticipatory bail petition stands dismissed as not maintainable.

8. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made



by the petitioner within the stipulated time provided in para 1
hereinabove, failing which the matter shall be brought to the
notice of this Court.

(Vikash Jain, J)

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