

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4300 of 2021

Arising Out of PS. Case No.-217 Year-2020 Thana- TARAIYA District- Saran

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1. ADALAT RAI, aged about 55 years, Male, son of Late Ram Swaroop Rai.
 2. Vikash Rai @ Vikash Kumar Rai, aged about 22 years, Male, Son of Adalat Rai.
 3. Malawati Devi, aged about 53 years, Female, Wife of Adalat Rai.
 4. Manju Devi, aged about 24 years, Female, Wife of Manoj Rai.
 5. Priyanka Kumari @ Lalsa, aged about 18 years, Female, D/o - Adalat Rai.

All resident of Village - Sitalpatti, P.S. - Taraiya, District - Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Harish Kumar, Advocate
For the State	:	Mr. Ramchandra Sahni, APP
For the Informant	:	Mr. Jitendra Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

2 17-11-2021 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Taraiya P.S. Case No. 217 of 2020 for the offence under Sections 341, 323, 324, 307, 354, 379, 504 and 506/34 of the Indian Penal Code.

At the very outset, learned counsel for the informant has produced the certified copy of the order dated 28.01.2021 passed in this case, by which the process under Section 82 of the Cr.P.C. has been initiated against the



petitioners. He has also cited a recent judgment of Hon'ble Supreme Court passed in the case of ***Prem Shankar Prasad vs. State of Bihar & Another (Criminal Appeal No. 1209 of 2021)*** in which the Hon'ble Supreme Court has reiterated its earlier view that anticipatory bail is not maintainable if anyone is declared as an absconder/proclaimed offender in terms of Section 82 of the Cr.P.C.

In reply to the aforesaid submission, learned counsel for the petitioners submits that the aforesaid judgment of Hon'ble Supreme Court is not applicable in the facts of the present case as this application for anticipatory bail was filed long ago in this Court.

The submission of learned counsel for the petitioners is fit to be rejected. The Hon'ble Supreme Court has consistently held that if a person has been declared absconder in terms of Section 82 of the Cr.P.C. he/she cannot be granted anticipatory bail.

In such circumstances, this anticipatory bail application is dismissed. However, if the petitioners surrender before the Court below within four weeks from today and seek regular bail, the Court below shall consider and decide the same without being influenced by this order. The court below shall



also consider the fact that some of the petitioners are females.

(Sandeep Kumar, J)

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