

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78449 of 2019

Arising Out of PS. Case No.-94 Year-2019 Thana- PATORI District- Samastipur

1. Manju Devi W/o Raju Chaudhary Resident of Village - Khairaj Supaul, P.S.- Patory, Distt.- Samastipur.
2. Asharfi Chaudhary Son of Late Banarsi Chaudhary Resident of Village - Khairaj Supaul, P.S.- Patory, Distt.- Samastipur.
3. Raju Chaudhary Son of Late Mishri Chaudhary Resident of Village - Khairaj Supaul, P.S.- Patory, Distt.- Samastipur.
4. Khushaboo Devi W/o Rajendra Chaudhary Resident of Village - Khairaj Supaul, P.S.- Patory, Distt.- Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Nawal Kishore Singh, Advocate
For the State	:	Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

7 30-06-2021 Heard learned counsel for the petitioners and learned APP for the State through video conference.

2. The petitioners have renewed their prayer for anticipatory bail in connection with Patory P.S. Case No. 94 of 2019, having earlier been dismissed as withdrawn by order dated 30.08.2019 in Cr. Misc. No. 54311 of 2019 for the alleged offences under Sections 304(B), 201 and 34 of the Indian Penal Code.

3. At the outset, this Court takes note of paragraph 271 of the case diary to the effect that process under Section 82 of the Cr.P.C. has been concluded against the petitioners.

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.

(Vikash Jain, J)

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