

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63856 of 2023

Arising Out of PS. Case No.-97 Year-2017 Thana- GOPALPUR District- Bhagalpur

Bittu Yadav @ Bittu Kumar Son Of Jaychandra Yadav @ Jecho Yadav
Resident Of Village - Latra, Police Station - Gopalpur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-02-2024 Heard Mr. Rajesh Kumar, the learned counsel for
the petitioner and Mr. Manoj Kumar, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Gopalpur PS Case No. 97 of 2017, FIR dated
21.05.2017, registered for the offences punishable under
Sections 304(B), 120(B) and 201 read with Section 34 of the
Indian Penal Code.

3. According to prosecution case, the daughter of the
informant was married to one Lalit Yadav and later she was
tortured by her in-laws because of non-fulfillment of dowry
demand. It is further alleged that the daughter of the informant
was murdered by her in-laws and her dead body was disposed
of.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and the allegations levelled in the FIR are false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the petitioner is the brother-in-law of the deceased and he has no concern at all with the family affairs of the deceased and the co-accused person namely, Jecho Yadav and Nilam Devi have been granted anticipatory bail vide order dated 26.11.2019, passed in Cr. Misc. No. 9676 of 2019.

5. The learned Additional Public Prosecutor for the State on the other hand raised the point of maintainability of the present petition on the ground that the process under Section 83 of the Cr. P.C. has been issued against the petitioner in the year 2018 itself and the petitioner has approached for grant of anticipatory bail in the Court of learned Additional Session Judge-V, Bhagalpur, in the year 2019 after process of Sections 82 and 83 of the Cr. P.C. and in terms of the Section 82 of the Cr. P.C., which is read as follows:

(1) If Any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to



appear at a specific place and at a specified time not less than thirty days from the date of publishing such proclamation.

(2) The proclamation shall be published as follows-

(i) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;

b) it shall be affixed to some conspicuous part of the house or home-stead in which such person ordinarily resides or to some conspicuous place of such town or village;

c) a copy thereof shall be affixed to some conspicuous part of the Court house;

(ii) the Court may also, if it thinks fit, direct a copy of the proclamation to be published in a daily newspaper circulating in the place in which such person ordinarily resides.

(3) A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day, in the manner specified in clause (i) of Sub-Section (2), shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.

(4) Where a proclamation published under Sub-Section (1) is in respect of a person accused of an offence punishable under section 302, 304, 364, 367, 382, 392, 393, 394, 395, 396, 397, 398, 399, 400, 402, 436, 449, 459 or 460 of the Indian Penal



Code (45 of 1860) and such person fails to appear at the specified place and time required by the proclamation, the Court may, after making such inquiry as it thinks fit, pronounce him a proclaimed offender and make a declaration to that effect.

(5) The provisions of Sub-Sections (2) and (3) shall apply to a declaration made by the Court under Sub-Section (4) as they apply to the proclamation published under Sub-Section(1);

the present bail application is not maintainable.

6. Accordingly, the present bail application stands dismissed.

(Rajesh Kumar Verma, J)

Shahnawaz/-

U		T	
---	--	---	--

