

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9403 of 2025**

Arising Out of PS. Case No.-504 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

=====

Ankit Kumar S/o Virendra Kumar Yadav @ Virendra Kumar Presently
residing at vill - Sareya, ward no. 01, P.S. - Gopalganj Town, Distt.-
Gopalganj, Permanent R/o vill - Tirvirwa, P.S.- Gopalganj Town, Distt.-
Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Director, Vigilance Investigation Bureau, Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Devashish Giri, Adv
For the Vigilance	:	Mr. Arvind Kumar, Spl. P.P.
For the State	:	Mr. Amitesh Kumar, APP

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 10-11-2025 Heard learned counsel for the petitioner, learned Spl.

P.P. for the Vigilance and learned Additional Public Prosecutor

for the State.

2. The petitioner is apprehending his arrest in
connection with Gopalganj P.S. Case No. 504 of 2024 registered
for the offence punishable under Sections 379 of the I.P.C. and
Section 7(a), 8 & 12 of the Prevention of Corruption Act, 1988.

3. As per the prosecution case, the police on receiving
a secret information regarding secret deal of money transaction
for the release of camels, apprehended the co-accused *Danish*



Miya and in course of inquiry it was found that *Mahboob Miya* (relatives of *Danish Miya*) had paid Rs. 80,000/- in the account of *Ankit Kumar* (Petitioner) in order to get release of camels, which are said to have been seized by the police.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner neither demanded nor received any money for the purpose of release of the camels which was seized by the police. As per the FIR, the demand of Rs. 1,50,000 was made by Virendra Chowkidar (father of the petitioner), however, only Rs. 80,000/- has been credited in the account of the petitioner which itself shows that the same transaction was not for the purpose of release of camels which shows the falsity of the case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner. Learned counsel has further submitted that the instant anticipatory bail application is not maintainable and from the lower court record that vide order dated 20.03.2025, as the process u/s 82 and 83 of the Cr.P.C. has already been issued against the petitioner. The petitioner is



declared a proclaimed offender. Learned counsel has further relied upon the case of (*Abhishek vs. State of Maharashtra (2022) 14 SCC 529*) where it was held that “As regards the implication of proclamation having been issued against the appellant, we have no hesitation in making it clear that any person, who is declared as an ‘absconder’ and remains out of reach of the investigating agency and thereby stands directly at conflict with law, ordinarily, deserves no concession or indulgence.” Reliance has further been placed on the decisions of (*Lavesh vs. State (NCT of Delhi)* (2012) 8 SCC 730, *Adri Dharan Das vs. State of W.B.* (2005) 4 SCC 303) and (*Prem Shankar Prasad vs. State of Bihar* 2021 SCC Online SCC 955) and in the case of (*State of Haryana vs. Dharamraj* (Cr. Appeal No. 2635 of 2023 @ out of SLP (Cri.) No. 2256 of 2022, reported in 2023 LiveLaw (SC) 739: 2023 INSC 784) disposed of 29.08.2023 wherein the Hon’ble Apex Court has held that: “Anticipatory bail can be granted to a person to a proclaimed offender only in exceptional and rare case.” It is further submitted that the materials available on the record do not reveal any exceptional or rate case due to which the plea of anticipatory bail may be considered. Learned counsel has further relied upon the case of **Srikant Upadhyay & Ors. Vs.**



State of Bihar & Anr. reported in 2024 INSC 202, the Hon'ble Supreme Court vide para-24 of the said judgment has been pleased to hold that “at any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power”.

6. Considering the aforesaid facts and circumstances of the case as well as the petitioner having been declared a proclaimed offender, the anticipatory bail petition is not maintainable. Accordingly, the same is disposed of with direction to the petitioner to surrender before the Court below concerned within six weeks from the date of this order and the prayer for regular bail and the learned Court below may consider his prayer for regular bail in accordance with law without being prejudiced by this order.

7. The application stands disposed of.

(Chandra Prakash Singh, J)

Jyoti/-

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

