

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44006 of 2025**

Arising Out of PS. Case No.-2410 Year-2017 Thana- VAISALI COMPLAINT CASE  
District- Vaishali

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Satyam Prakash Singh Son of Late Swayambhoo Nath Singh @ Late Shambhu Singh, Resident of Village - Chakbasu, Ward No.- 38, P.S.- Mithanpura, District - Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Smt. Khushboo Singh Wife of Anil Kumar @ Pappu Resident of Village - Malighat Near Sarswati Mandir, P.S.- Mithanpura, District - Muzaffarpur.
3. Anil Kumar @ Pappu Son of Umashankar Prasad Gupta Resident of Village - Malighat Near Sarswati Mandir, P.S.- Mithanpura, District - Muzaffarpur.

... .. Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr. Pratap Sharma, Advocate  
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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

ORAL ORDER

3      03-11-2025                      Heard learned counsel for the petitioner, learned counsel for the complainant and the learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in a case in connection with Complaint Case No. 2410 of 2017, registered for the offences punishable under Sections 498A and 494 read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the petitioner and co-accused persons are alleged to have tortured the complainant physically and mentally due to non-fulfillment of demand of



dowry and ousted her from the matrimonial home.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. The allegation levelled in the complaint petition is false and fabricated and the petitioner has not committed any such offence as alleged in the complaint petition, rather there is general and omnibus allegation against the petitioner. The petitioner has got two criminal antecedent as mentioned in paragraph no. 3 of the bail petition.

5. Learned counsel for the complainant as well as the learned APP for the State have vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that the instant anticipatory bail application is not maintainable and as per the lower Court record, the process under Sections 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 v. 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 v. State (NCT of Delhi) (2012) 8 SCC 730, Adri Dharan Das v. State of W.B. (2005) 4 SCC 303)*** and ***(Prem Shankar Prasad v. State of Bihar 2021 SCC Online SCC 955)*** and in the case of ***(State of Haryana v. 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 on 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 rare case due to which the plea of anticipatory bail may be considered. Learned counsel has further relied upon the case of ***Srikant Upadhyay & Ors. v. 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 a period of six weeks from the date of this order and pray 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)**

Shahnawaz/-

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