

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63449 of 2025

Arising Out of PS. Case No.-6 Year-2021 Thana- PURUSHOTTAMPUR District- West
Champaran

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Rustam Ali @ Rustam Son of Sk. Abdulbari @ Abdul Bari Resident of village
- Bherihari Gauripur, P.S.- Purshottampur, District - West Champaran at
Bettiah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. S.B.K.Mangalam, Adv. with Mr. Awnish Kumar, Mr. Viksh Kr. & Mr. Rishi Raj
For the State	:	Mr. Ganesh Prasad Singh, APP
For the Informant	:	Mr. Kundan Kr. Ojha & Mr. Navneep Prabhakar.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-09-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in a complaint
case punishable for offence under Sections 366/34 of the Indian
Penal Code.

3. From perusal of impugned order dated 28.06.2025,
it appears that process under Section 83 of the Cr.P.C. has
already been issued against this petitioner, as he never appeared
before the trial court, and as such, this anticipatory bail
application is not maintainable, in view of several decisions of
the Supreme Court, rendered in the case of (i) Laves v. State
(NCT of Delhi), reported in (2012) 8 S.C.C. 730, (ii) State of



MP v. Pradeep Sharma, reported in (2014) 2 S.C.C. 17, and (iii) Prem Shankar Prasad v. State of Bihar, reported in 2021 SCC Online SC 955.

4. Considering the same, the application, filed for grant of anticipatory bail to petitioner, stands dismissed.

(Prabhat Kumar Singh, J)

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