

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75639 of 2024

Arising Out of PS. Case No.-450 Year-2022 Thana- CHANDI District- Nalanda

Shanti Devi Wife of Ghanshyam Singh @ Ghanshyam Mahto Present
Resident of P.S. - Kadamkuan, Boothnath Road, Patna, Pin - 800020.
Permanent Resident of Bhokalapur, P.S. - Chandi, District- Nalanda, Bihar
... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudhir Prasad Son of Lt. Ramji Prasad R/O- Gram and Post- Akaird, P.S.-
Chandi, Distt.- Nalanda
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Singh, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

3 25-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Chandi P.S. Case No. 450 of 2022 for the offence under Sections 363, 376, 120B and 34 of the I.P.C. and Section 4 and 6 of the POCSO Act.

3. At the very outset, during course of argument, learned APP submits that this anticipatory bail application is not maintainable because process under Section 82 Cr.P.C. has been issued against the petitioner. In para 70, 86 and 94 of case diary it is mentioned that raid was conducted for arrest of petitioner but she was found absconding.

4. In para 80 of the case diary suggests that sufficient material has been found against the petitioner but she has not



appeared in this case and in para 123 and 125 of the case diary, it is mentioned that one copy of the proclamation has been fixed on the door of the petitioner.

5. In that view of matter, as per principle laid down in the Judgment of Hon'ble Apex Court, passed in *Special Leave Petition (Crl.) No. 7940 of 2023 (Srikant Upadhyay & Ors. Vs. State of Bihar and Anr.)*, the present anticipatory bail application is not maintainable. It appears that even after proclamation under Section 82 Cr.P.C. the petitioner did not take any step to challenge the same or to enter appearance before the Trial Court to avert the consequences so in this circumstances petitioner is not entitled to seek the benefit of pre-arrest bail.

6. Accordingly, the present anticipatory bail application of the petitioner stands disposed of.

7. Petitioner is directed to surrender before the Court below, and prays for regular bail the same shall be considered by the Court below on its own merit, without being prejudiced by the order of this Court.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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