

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33072 of 2026

Arising Out of PS. Case No.-66 Year-2024 Thana- Pahelja P.S. District- Saran

Pankaj Kumar S/o Ambika Ray R/o - Parmanandpur, Saran District - Chhapra, Bihar - 841101

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arvind Kumar S/o Late Lal Babu Rai R/o - Kasmar, Saidpur, P.S - Pahleja, District - Saran

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 32753 of 2026

Arising Out of PS. Case No.-66 Year-2024 Thana- Pahelja P.S. District- Saran

Pankaj Kumar S/O Ambika Ray R/O Parmanandpur, Saran, District- Chapra, Bihar- 841101

... .. Petitioner/s

Versus

1. The state of Bihar
2. Shailesh Ray @ Shailesh Kumar S/O Late Rajendra Ray R/O Chak Apsaid, P.S- Sonapur, Distt.- Saran

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33072 of 2026)

For the Petitioner/s : Mr. Rudra Pratap Singh, Advocate

For the Opposite Party/s : Mr. Renuka Ratnakar, (App125)

(In CRIMINAL MISCELLANEOUS No. 32753 of 2026)

For the Petitioner/s : Mr. Rudra Pratap Singh, Advocate

For the Opposite Party/s : Mr. Renuka Ratnakar, (App.125)

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 03-07-2026 Since both the matters are arising out of the same P.S.,

hence, they are being heard together and disposed of by this

common order.

2. Heard the learned counsel for the parties.



3. The present applications have been filed for cancellation of anticipatory bail granted to the opposite parties, namely, Arvind Kumar and Shailesh Rai @ Shailesh Kumar, earlier by this Court vide order dated 26.02.2026 passed in Cr. Misc. No. 14003 of 2026, arising out of Pahleja P.S. Case No.66 of 2024.

4. The learned counsel for the petitioners submits that the primary ground for cancelling the anticipatory bail of the opposite parties is the fact that the bail application of the opposite parties was filed on 13.02.2026 before this Hon'ble Court, however, prior to the filing of the anticipatory bail application, proceedings under Section 82 of the Code of Criminal Procedure, 1973, had already been initiated against the opposite parties on 05.02.2026. It has, thus, been contended on behalf of the petitioners that the impugned order has been obtained by suppressing material facts before this Hon'ble Court.

5. Learned counsel for the petitioner, Pankaj Kumar, submits that the fact of issuance of process under Section 82 of the Code of Criminal Procedure was not disclosed by the opposite parties, nor was it brought to the notice of this Court at the time of hearing of the anticipatory bail application. It has



been contended by the learned counsel that the accused persons (opposite parties) deliberately avoided the process of law and compelled the concerned Court to initiate proceedings under Section 82 of the Code of Criminal Procedure and therefore, they approached this Hon'ble Court for anticipatory bail without disclosing the said proceedings. Relying on the order passed by the Hon'ble Supreme Court in Lavesb vs. State (NCT Delhi), reported in (2012) 8 SCC 730, wherein it has been stated that anticipatory bail should not be granted to an absconder or proclaimed offender, it has, thus, been prayed that the order dated 26.02.2026 may be recalled and the anticipatory bail granted to the opposite parties be cancelled.

6. The learned APP for the State has supported the contention of the petitioners and has stated that, in the event of suppression of facts, the anticipatory bail granted to the opposite parties shall be cancelled.

7. This Court had earlier called for the entire order sheet as well as the details of the proceedings being conducted by the court concerned, and a report was furnished by the learned Additional Chief Judicial Magistrate-VI, Saran at Chapra, wherein he has reiterated the fact that the proclamation under Section 82 of the Code of Criminal Procedure was issued



on 05.02.2026. However, in the said report, the concerned Court has pointed out that the anticipatory bail applications filed on behalf of the opposite parties were rejected by the learned Additional Sessions Judge-IX on 28.01.2026.

8. From the perusal of the report furnished along with the details of the proceedings, it is clear that the anticipatory bail applications of the opposite parties were filed prior to the issuance of the proclamation order, and the anticipatory bail application was preferred by them before this Court after the passing of the proclamation order, i.e., on 13.02.2026, within eight days of the said proclamation order.

9. Considering the facts and circumstances of the case and taking into account the fact that the opposite parties had already approached the Court of the learned District and Sessions Judge prior to the issuance of the proclamation order, they cannot be bracketed as absconders or proclaimed offenders. This Court also observes that the anticipatory bail application was filed on 13.02.2026 and it also cannot be stated that the opposite parties were aware of such a proclamation order prior to filing the anticipatory bail application before this Court.

10. In view of the aforesaid facts and circumstances, I am not inclined to interfere with the present application praying



for cancellation of the anticipatory bail granted to the opposite parties.

11. The aforesaid applications stand dismissed.

(Sourendra Pandey, J)

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