

**IN THE COURT OF PRINCIPAL DISTRICT & SESSION JUDGE,
MUZAFFARPUR.**

Civil Court, Muzaffarpur, Bihar - 842001.

A.B.P. No. 1803/2026 (BRMZ01-00066582026)

(Arisen out of Paru PS Case No. 140/2024)

Manish Kumar V/s The State of Bihar

ABP No.: 1803/2026

FIR No.: 140/2024

Name of PS: Paru

U/Section.: 25(1-b)a, 26, 35 of the Arms Act.

Dated: 19.05.2026

Present: Sri Ajay Kumar, learned P. P. for the State.

Sri Dharmendu, learned counsel for the petitioner/accused.

1. Heard learned counsel for the petitioner and learned P.P. for the State.
2. The anticipatory bail petition of petitioner, namely Manish Kumar, S/o- Vishwanath Sahani who apprehends his arrest in connection with Paru PS Case No. 140/2024, u/s 25(1-b)a, 26, 35 of the Arms Act., has been placed today for hearing.
3. Ld. Counsel for the prosecution at the very outset submits that the petitioner can not be granted the benefit of pre-arrest bail in the light of the fact that a process u/s 82 of the Cr.P.C. has already been issued against him. However, ld. Counsel for the petitioner submits that he has been falsely implicated in this case filed with an mala-fide intention and all the allegations against him are false and fabricated.
4. While considering the submission of the ld. Counsel for the petitioner, this court is ably guided by the ratio led by the Hon'ble Apex Court in catena of cases wherein it has been held that when a warrant has been issued and the person is absconding in order to avoid execution of the warrant and declared a proclaimed offender in terms of Section 82 of the Cr.P.C., he is not entitled to the relief of anticipatory bail [Lavesh Vs. State (NCT of Delhi), (2012) 8 SCC 730]. Similarly, in State of MP Vs. Pradeep Sharma (2014) 2 SCC 171, the Hon'ble Court once again held that if anyone is declared an absconder/proclaimed offender in terms of Section 82 of the Cr.P.C., he is not entitled to relief of anticipatory bail. The same is being reiterated in Abhishek

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Vs. State of Maharastra and Ors. (2022) 8 SCC 282 and in the State of Haryana Vs. Dharamraj, (2023) 17 SCC 510 wherein, the Hon'ble Apex Court has held that in exceptional and rare case, the Hon'ble Apex Court or the Hon'ble High Court can consider a plea seeking anticipatory bail despite the applicant being a proclaimed offender, given that the Hon'ble Supreme Court and the Hon'ble High Court are the constitutional court. Ld. Counsel for the petitioner has referred to Jagdish Das Vs. State of NCT of Delhi 2025 SCC Online Del 4553 to support his claim. However, on perusal of the said judgment, it is apparent that the said discretionary power has to be used only in exceptional and rare cases, which is not the case herein.

5. Accordingly, in the light of the above discussion, this court is of the considered opinion that the benefit of pre-arrest bail can not be granted to the petitioner namely, Manish Kumar, S/o- Vishwanath Sahani against whom a process u/s 82 of the Cr.P.C. has already been issued. Accordingly, this ABP is hereby dismissed as not maintainable.

sd/-

**[Shweta Kumari Singh]
Principal District & Sessions Judge,
Muzaffarpur
19.05.2026**