

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S
438 CR.P.C. No. - 2980 of 2023

Applicant :- Sahina Bano

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Civil Sectr. Lko.
And Another

Counsel for Applicant :- Manoj Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Manoj Kumar Singh, learned counsel for the applicant as well as Sri Arpit Kumar, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed seeking anticipatory bail in case crime No. 46 of 2022, under Sections 306 I.P.C, registered at Police Station Nawabganj, District Bahraich.
3. The learned A.G.A has raised a preliminary objection that a proclamation under Section 82 Cr.P.C. has been issued against the applicant and thereafter proceedings under Section 83 Cr.P.C have also been drawn against her and, therefore, in view of the law laid down by the Hon'ble Supreme Court in **Lavesh vs. State (NCT of Delhi)**, (2012) 8 SCC 730, the present application is not maintainable.
4. In view of the aforesaid objection, the application for anticipatory bail stands **rejected**. However, in case the applicant appears and files an application for grant of bail, the same shall be considered and decided expeditiously in accordance with law, without being influenced by rejection of the anticipatory bail application.

(Subhash Vidyarthi,J.)

Order Date :- 20.12.2023/Preeti.