

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42194 of 2016

Arising Out of PS.Case No. -8 Year- 2008 Thana -C.B.I CASE District- PATNA

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Safia Bano wife of Md. Salim Rizvi, resident of Mohalla - Dariyapur, in
Dazy Complex, Baripath, P.S. - Pirbahore, District - Patna.

.... Petitioner/s

Versus

The State of Bihar through C.B.I, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sahvind Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, SC, C.B.I.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 09-11-2016

Heard.

This is, in fact, second application on behalf of the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in a criminal prosecution registered under Section 120B, 420, 467, 468 and 471 of the Indian Penal Code and under Section 13(2) read with Section 13 (1)(d) of the Prevention of Corruption Act.

Indisputably, with respect to same criminal prosecution, the petitioner and one Md.Salim Rizvi had approached this Court in Cr.Misc.No. 46653 of 2009 for grant of anticipatory bail which was finally allowed by order dated 21.05.2010 vide Annexure-1 with certain conditions indicated in that order. However, despite aforesaid order dated 21.05.2010, the petitioner did not surrender in the court below and did not avail of the privilege of anticipatory bail granted by this Court.

In above view of the matter, this Court is of the opinion that the present application for grant of anticipatory bail with respect to the same criminal prosecution is not maintainable. It is accordingly dismissed.

However, the petitioner, if so advised, may surrender

in the court below and may apply for regular bail satisfying the learned court below that the conditions imposed by this Court in the order dated 21.05.2010 (Annexure-1) have already been complied with.

It goes without saying that if the learned court below is satisfied that the conditions imposed in that order have been complied with, then the prayer for regular bail of the petitioner shall be considered sympathetically.

The present application stands dismissed with the observations made above.

(Birendra Prasad Verma, J)

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