

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68609 of 2018

Arising Out of PS. Case No.-74 Year-2018 Thana- BHAGALPUR GRP CASE District-
Bhagalpur

Samro Devi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra
For the Opposite Party/s : Mr. Sri Anish Chandra

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 13-12-2018 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends her in a case registered for the
offences punishable under Sections 379 of the Indian Penal
Code.

Petitioner is not named in the first information report
but in course of investigation, she was found using the stolen
mobile and, accordingly, she was made accused in the present
case. However, in the impugned order dated 18.09.2018 passed
by the learned 7th Additional Sessions Judge, Bhagalpur goes to
show that the petitioner was granted police bail under section
41(1) of the Cr.P.C.

In view of the aforesaid fact, this anticipatory bail



petition is not maintainable as the petitioner has already taken into custody and released on police bail and, therefore, this petition stands dismissed being infructuous.

However, petitioner is directed to surrender before the court below within six weeks if she does so, the concerned court shall pass appropriate order keeping in mind the law laid down by a co-ordinate Bench of this Court in case of Mahendra Prasad Singh v/s State of Bihar reported in 2004(3) PLJR 499.

N.K/-

(Hemant Kumar Srivastava, J)

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