

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54820 of 2018

Arising Out of PS.Case No. -356 Year- 2017 Thana -MAHESI District- EASTCHAMPARAN
(MOTIHARI)

=====

1. Vijay Laxami Devi, wife of Ashok Kumar Rao, resident of Keotalia,
Madanpur, P.O. & P.S. Madanpur, District- Dewaria, U.P.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bashistha Narayan Mishra-Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh-A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 28-09-2018

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

It happens to be a case of the prosecution that Bolero
Pick-up Van bearing Registration No.UP-52T-4142 was
intercepted while carrying four bullocks stealthily. None was
apprehended at the spot and so, F.I.R. was registered against the
owner, driver and others.

Petitioner, who is lady, happens to be the owner of
the vehicle. There happens to be submission at the end of the
petitioner that she happens to be name shake owner. Furthermore,
she was not knowing whether driver was carrying the bullock in
an illegal manner.

On the other side, learned Additional Public



Prosecutor, so far status of petitioner is concerned, did not object.

In *Sushila Aggarwal and others vs. State of (NCT of Delhi) and another reported in (2018) 7 SCC 731*, the matter has been referred to larger Bench on the issues as is evident from Para-12 of the judgment, which reads as follows:-

“12. In the light of the conflicting views of the different Benches of varying strength, we are of the opinion that the legal position needs to be authoritatively settled in clear and unambiguous terms. Therefore, we refer the following questions for consideration by a larger Bench :-

(1) Whether the protection granted to a person under [Section 438](#) CrPC should be limited to a fixed period so as to enable the person to surrender before the Trial Court and seek regular bail.

(2) Whether the life of an anticipatory bail should end at the time and stage when the accused is summoned by the court.

Regard being had to the facts and circumstances of the case, petitioner, **Vijay Laxami Devi** is directed to be released on bail in the event of arrest or surrender within four weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned



Chief Judicial Magistrate, East Champaran at Motihari in connection with Mehasi P. S. Case No.356 of 2017, subject to condition as laid down under Section 438(2) of the Cr.P.C.

However, the instant order is directed to be duly influenced with the outcome of the above referred judgment.

(Aditya Kumar Trivedi, J)

Vikash/-

U		T	
---	--	---	--

