

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 26221 of 2020**

Arising Out of PS. Case No.-110 Year-2020 Thana- BANKA District- Banka

ANITA DEVI Wife of Late Sambhu Sah Resident at Ward No 18, Road No 14, Jamalpur, P.O.- Jamalpur Gogri, P.S.- Gogri, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Brajesh Tiwary, Advocate

For the Opposite Party/s : Mr Vinod Shankar Modi, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 05-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner.

Mr Vinod Shankar Modi, APP is appearing as it is submitted that the brkief has been allotted to him by the Office of Advocate General.

Petitioner apprehends arrest in connection with Banka Police Station (for brevity, *PS*) Case No 110 of 2020



instituted for the offence punishable under Section (s) 379, 411 of Indian Penal Code, Sections 8 (a), 8 (b) of BMTS Act, 1957 and Section 15 of EE Act, 1986.

The prosecution case is that the truck has been seized carrying sand.

It is submitted by petitioner's counsel that, being a widow, petitioner is owner of the truck. The same was being used for carrying goods for commercial purposes. The loading of sand is without any knowledge of the petitioner. The driver and co-driver, who were carrying the same, if at all, are responsible for the recovery. They have been enlarged on bail. Being owner of the truck, the petitioner undertakes to deposit the amount of loss caused in the illegal transportation of sand, without admitting to having any knowledge of the carriage. Petitioner has no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, she shall be released on bail on her furnishing bonds of Rs 10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in Banka PS Case No 110 of 2020 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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