

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29098 of 2020

Arising Out of PS. Case No.-219 Year-2019 Thana- TARIYANI CHOWK District- Sheohar

Phula Devi @ Phulia Devi @ Phulwa Devi, Wife of Harihar Sahani, Resident
of Village - Math Masauli, P.S.- Tariyani, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 13-11-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

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

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Tariyani P.S. Case No.219 of 2019 registered for the offence punishable under Sections 120B and 302 of the Indian Penal Code, which is pending in the court of learned C.J.M., Sheohar.

It is submitted by the petitioner's counsel that while



the petitioner's prayer for pre-arrest bail was pending in Cr. Misc. No.8608 of 2020, she came to be arrested. On 24.06.2020, prayer for regular bail was rejected by the court below. Two days thereafter, the anticipatory bail application which had been filed on behalf of the petitioner was taken up before this Court and the prayer was allowed. The order in Cr.Misc. No.8608 of 2020 is dated 26.06.2020.

At the time of passing of the order by this Court, it is submitted that the petitioner's counsel was not informed about the arrest of the petitioner pending the anticipatory bail application and as such, the order was passed allowing the prayer for anticipatory bail.

Having explained the circumstances under such such a catch-22 situation emerged, it is submitted that the petitioner be given liberty to renew her prayer for grant of regular bail before the court below.

Having considered the aforesaid submissions and in view of the prayer made by the petitioner's counsel, this Court would only observe that the prayer of the petitioner is now required to be considered on its own merits without being prejudiced by the withdrawal of the instant bail application for the aforesaid reason, since this Court has not expressed any



opinion on the merits of the prayer for bail.

The application is permitted to be withdrawn.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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