

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29592 of 2021

Arising Out of PS. Case No.-56 Year-2021 Thana- ITARHI District- Buxar

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URMILA DEVI Wife of Ajay Kumar @ Ajay Kumar Maurya Resident of
Village - Karmi, P.S.- Itarhi, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Preety Kunwar, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-02-2022 Due to the third wave of COVID-19 Pandemic, the

matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Learned Counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioner is apprehending her arrest in
connection with Itarhi P.S. case No.56 of 2021 registered under
Section 7 of the Essential Commodities Act.

Allegation is that 75 quintals wheat and 75 kgs rice
were found loaded in a tractor outside the shop of the petitioner.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is a lady. She has a P.D.S. shop. Certain shortage were found in her shop as per the stock register. It has also been submitted that it was error of calculation. It is further submitted that the petitioner is ready to deposit an amount of Rs.25,000/- (Rupees twenty five thousand) in the court below, which shall be subject to the final disposal of the case.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the facts and circumstances, **the**



petitioner is directed to deposit an amount of Rs.25,000/-
(Rupees twenty five thousand) in the court below, which
shall be subject to the final disposal of the case. On doing so,
the petitioner, above named, in the event of arrest or surrender
before the learned court below within a period of twelve weeks
from today, be released on anticipatory bail on her personal
bond to the satisfaction of learned S.D.J.M., Buxar in
connection with Itarhi P.S. case No.56 of 2021, subject to the
conditions as laid down under Section 438(2) of the Code of
Criminal Procedure.

Once the normalcy is restored, the petitioner shall
furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with
two sureties of the like amount each within a period of eight
weeks to the satisfaction of the Court concerned in connection
with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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