

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28775 of 2021

Arising Out of PS. Case No.-94 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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SWARNLATA SINGH W/o Lata Girija Nand Singh Resident of Charlie Chaman, G.C. Banerjee Road, Mundi Chak, Bhagalpur, P.O.- Head Post Office, P.S.- Tilka Manjhi, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Madhav Krishna, Adv.
For the Informant	:	Mr. Manoj Kumar, Adv.
For the State	:	Mr. Nityanand Tiwari, APP

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 10-02-2022 Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State through video conferencing.

The petitioner apprehends her arrest in connection with Kotwali (Tilkamanjhi) P.S. Case No. 94 of 2018 registered for the offence under Sections 406, 420, 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the provisional bail granted to the petitioner was rejected, hence, the petitioner has filed the present anticipatory bail application. She was appearing in the matter and cooperate



during investigation. However, erroneously, at the stage of confirmation of anticipatory bail, the learned Sessions Judge has stated that the proceeding under Sections 82 and 83 Cr.P.C. have been issued against the petitioner and declared her as absconder, the bail application was rejected.

Learned counsel for the petitioner challenged the fact issuing of process under Sections 82 and 83 of the Cr.P.C. In the circumstances, therefore, the original record of the lower court was called for and the order-sheets were examined. Upon examination of the order-sheets, it is apparent that proceeding under Sections 82 and 83 of the Cr.P.C. were not initiated against the petitioner, but against another person namely Suman Charley. Thus the wrong fact has been crept by which the bail application of the petitioner was rejected.

Learned counsel for the informant submits that there is dispute relating to property and they sold the share of the informant.

Taking into consideration that no proceeding under Sections 82 and 83 Cr.P.C. was initiated against her and the provisional bail on this ground was rejected is



erroneous, I am inclined to grant benefit of anticipatory bail to the above named petitioner and in the event of arrest she shall be released on bail, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Sanjeev Prakash Sharma, J)

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