

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25237 of 2022

Arising Out of PS. Case No.-298 Year-2019 Thana- RIVILGANJ District- Saran

Kalawati Devi, Wife Of Lagandeo Rai, R/O Village- Saraidha, P.S.-
Revilganj, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagendra Prasad Yadav No.1, Adv.

For the Opposite Party/s : Mr.B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-11-2022 Heard learned counsel for the petitioner and Mr. B.N.
Pandey, learned APP for the State.

This is the second attempt of the petitioner to obtain anticipatory bail in connection with Revilganj P.S. Case No.298/2019 registered for the offences under Sections 498(A), 363, 364, 304(B), 302/34 of the Indian Penal Code. Earlier her prayer for bail was rejected by this Court vide order dated 10.02.2021 in Cr.Misc.No.30174 of 2020.

Learned counsel for the petitioner has drawn the attention of this Court towards the statements made in paragraph '12' of the petition saying that the petitioner could not surrender within four weeks because she had fractured her leg and underwent treatment under Dr. Surendra Mahto at Sri Siddhi Vinayak Maternity and Trauma Centre, Chapra and because she remained bedridden she was not able to move and surrender.

Learned counsel for the State submits that the reason



shown in paragraph '12' may at best show the reason for not surrendering in the learned court below but that cannot be taken as a change of circumstance entitling the petitioner to seek privilege of anticipatory bail.

Having regard to the submissions noted hereinabove, this Court agrees with the submissions of learned APP for the State. Paragraph '12' of the petition is not a change of circumstance for a fresh consideration of the prayer for anticipatory bail. That may at best show the reason for not surrendering.

Be that as it may, this Court while disposing of the present application would only observe that in case the petitioner still surrenders and prays for regular bail in the learned court below within a period of four weeks from today, her prayer for regular shall be considered on its own merit without being prejudiced by the fact that she had not surrendered earlier within the period observed in the order dated 10.02.2021. Her prayer for bail shall be considered independently and on merit alone.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

