

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41683 of 2021**

Arising Out of PS. Case No.-398 Year-2020 Thana- BIDUPUR District- Vaishali

PRAMILA DEVI, Wife of Lakshman Rai, Resident of Village- Sahpur, P.S.-
Ganga Bridge, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kalyan Shankar, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER**

2 10-02-2022 Heard learned counsel for the parties through video conferencing.

Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

This application for anticipatory bail arises out of Bidupur P.S. Case No. 398 of 2020 for the offence punishable under Section 302/34 of the Indian Penal Code and under Section 27 of the Arms Act.

It has been submitted by learned counsel for the informant that in this case processes under Sections 82 and 83 of the Cr.P.C. have been executed in December, 2021.

Learned counsel for the petitioner does not deny this fact.

In view of recent decision of the Apex Court in the



case of *Prem Shankar Prasad vs. State of Bihar and Anr.* reported in *2021 SCC OnLine SC 955*, this anticipatory bail application is not maintainable.

Accordingly, this anticipatory bail application is dismissed as not maintainable.

However, if the petitioner surrenders in the Court below and seeks regular bail, the Court below shall consider and decide the same on its own merit on the same day without being prejudiced by the fact that the anticipatory bail application of the petitioner has been held to be not maintainable by this Court. The Court below shall also consider the fact that there is no allegation of overt act against this petitioner, who is a lady and is a cancer patient.

(Sandeep Kumar, J)

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