

SLP(Crl.)No. 3496 OF 2000

ITEM No.30

Court No. 2

SECTION IIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 3496/2000

(From the judgement and order dated 19/09/2000 in CRLM 25726/00
of The HIGH COURT OF PATNA)

JASBIR KAUR & ANR.

Petitioner (s)

VERSUS

STATE OF BIHAR & ANR.

Respondent (s)

With Appln(s). for stay of arrest and permission to
place addl. documents on record (With Office Report)

Date : 04/05/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAİK
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. P.S. Mishra, Sr. Adv.
Mr. Jitendra Singh, Adv.
Mr. Chandre Shekhar Singh, Adv.
Mr. Shashi B. Upadhyay, Adv.
Mr. S.B. Upadhyay, Adv.

For Respondent (s) Ms. Kamini Jaiswal, Adv..
Mr. Narender Verma, Adv.
Mr. Sanjay Pathak, Adv.
Mr. B.B. Singh, Adv. (NP)
Mr. Prashant Bhushan, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....J.....
.SP2

This application by two petitioners are for being
released on anticipatory bail in exercise of power u/s
438 CrI.P.C. The High Court by the impugned judgment had
come to the conclusion that on the material against the
two accused persons, the case for invoking provisions u/s

438 has not been made out, we prima facie agree with the
view. But having regard to the condition of petitioner
no.1 Smt. Jasbir Kaur, said to be an old lady, having

cirrhosis of lever. We think it appropriate that she can be given benefit of the provision of Sec. 438 and we accordingly direct that in the event of arrest. she may be released on bail. So far as the applicastion of the other petitioner is concerned, the same is rejected. It is open for the other petitioner to move the appropriate forum for regular bail. We express no opinion on merit. Special leave petition is disposed of.

.SP1

Sushma

(Suneet Bala Sharma)
Court Master