

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30385 of 2018

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Smt. Sushila Devi, W/o Shambhu Yadav, R/o Vill.- Rampur,
Bishunpur, P.S.- Muffasil, District- Siwan. At presently Vijay
Vihar Colony, West R.P.S. School (North Hanuman Mandir,
Saguna), P.S.- Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gopal Sharan Singh, S/o Late Yamuna Prasad Singh, R/o
Mohalla- Mohammadpur- Karji, P.S.- Phulwarisharif,
District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

- 2 27-06-2018 The petitioner seeks modification of the order
dated 25.05.2017, passed in Cr. Misc. No. 23871 of 2017,
whereby she was granted bail, but with the condition that
after framing of charge she shall appear in person on each
and every day fixed in the court below and in case of
default for two consecutive occasions, the Trial Court would
have the liberty to cancel her bail bond and secure her



arrest in accordance with law.

Learned counsel for the petitioner has submitted that though she was made an accused in Complaint Case No. 1091 (C) of 2015 for the offence under Section 420 of the I.P.C., but she is neither the purchaser nor has issued the cheque in question and any offence which has been committed is by her husband and not by her. It has further been submitted that the petitioner is a house-wife, who has to look after her three minor children and it has become difficult for her to appear in person on all dates before the court below.

In such circumstances, it has been prayed that the aforesaid requirement in the order dated 25.05.2017 be waived and the order be modified accordingly.

Considering the facts and circumstances referred to above, the order dated 25.05.2017 is modified to the extent that the petitioner would not be required to be personally present on all dates before the court below. For her exemption, the petitioner shall file necessary application before the court below which shall be allowed, if the court below would consider it proper in the facts and circumstances.

The order dated 25.05.2017 is modified to the



extent indicated above.

The application is, accordingly, allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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