

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34390 of 2020

Arising Out of PS. Case No.-30 Year-2009 Thana- BIKRAMGANJ District- Rohtas

Sunaina Devi, Wife of Ramjee Singh, Resident of Village-Mano, Police Station- Bikramganj, District- Rohtas

... .. Petitioner

Versus

1. The State of Bihar
2. Ramjee Singh, Son of Late Ganesh Singh, resident of Village Rupipur, Police Station Nokha, District-Rohtas

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Vikramdeo Singh, Advocate
For the State	:	Mr. Ashok Kumar Singh, A.P.P.
For the O.P. No. 2	:	Mr. Ashok Kumar Singh, Advocate
		Mr. Anand Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-02-2021 Heard learned counsel for the petitioner, learned counsel representing the opposite party no. 2 and Mr. Ashok Kumar Singh, learned A.P.P. for the State.

This application has been preferred seeking cancellation of bail granted to the opposite party no. 2 vide order dated 02.08.2017 passed in Cr. Misc. No. 25959 of 2017 arising out of Bikramganj P.S. Case No. 30 of 2009.

Learned counsel for the petitioner submits that in terms of order dated 03.08.2017 the opposite party no. 2 was obliged to take care of medical necessities of the petitioner but he is not taking care of the same. In this connection, the stand of the opposite party no. 2 before this Court has been indicated in



the order dated 03.08.2017 which has been brought to the notice of this Court.

Learned counsel for opposite party no. 2 submits that a bare perusal of the order dated 03.08.2017 would show that after considering the totality of the facts and circumstances of the case, this Court had accepted the offer with the consent of the present petitioner that the opposite party no. 2 shall deposit a sum of rupees five lakhs in the fixed deposit which will be a security for her future purposes.

It is submitted that when a statement was made at the Bar that this opposite party no. 2 would take care of the victim lady in case of medical necessities, the opposite party no. 2 agreed for the same.

Learned counsel points out that neither in the pleadings before this Court nor in any other form the petitioner has been able to show that she requires treatment for any particular medical reason and that involves some expenses which are not in a routine nature and those expenses are required to be borne by the opposite party no. 2.

It is submitted that a service of legal notice as contained in Annexure '4' cannot be a proof of fact that the petitioner has developed some medical conditions which



requires treatment and that cannot be done in a routine manner.

Having heard learned counsel for the parties and on perusal of the records, this Court finds no reason to cancel the bail of the petitioner. Neither with the present application nor in any other way the petitioner has been able to demonstrate that she suffers from some medical conditions which require treatment and such treatment cannot be done in a routine manner and the same would require the attention of opposite party no. 2.

This Court finds no reason to cancel the bail granted to the opposite party no. 2.

This application stands dismissed.

(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'.

