

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15379 of 2021**

In

CRIMINAL MISCELLANEOUS No.20792 of 2020

Arising Out of PS. Case No.-22 Year-2019 Thana- SASARAM MUFFSIL District- Rohtas

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RAMLALI KUNWAR W/o Late Ramji Sah Resident of Village - Amra Talab,
P.S.- Sasaram (M), Distt.- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 10-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for modification of part of the order dated 7.7.2020 (Annexure-1) passed in Cr. Misc. no.20792 of 2020 and for extension of the time granted in the said order for confirmation of the provisional bail granted to the petitioner.

In brief, it is submitted by learned counsel for the petitioner that by order dated 7.7.2020 passed in Cr. Misc. no.20792 of 2020, the petitioner was granted regular bail in connection with Sasaram Mufassil P.S. Case no.22 of 2019. The relevant part of order dated 7.7.2020 is being quoted hereinbelow for ready reference:

“Considering the fact that on conclusion of investigation, chargesheet has been submitted



under Section 498A and 306 of the IPC, the investigation has already been concluded, the petitioner is an old widow and the period under custody, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No. 22 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No. 22 of 2019.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application is disposed of.”

It is submitted by learned counsel for the petitioner that the petitioner who is an old widow was enlarged on provisional bail pursuant to the above order on 14.8.2020. However for reasons beyond the petitioner’s control and also the physical functioning of the Court not having commenced fully as a result of the Covid-19 pandemic, the petitioner could not



get her provisional bail confirmed by the learned Court below in terms of the order dated 7.7.2020. Her prayer for getting the provisional bail confirmed was refused by order dated 2.1.2021 passed by the learned Chief Judicial Magistrate. It is thus prayed that the provisional bail granted to the petitioner and which was to be confirmed in terms of the aforesaid order dated 7.7.2020 be suitably modified and the same be confirmed in terms thereof.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case and the materials on record, the order dated 7.7.2020 passed in Cr. Misc. no. 20792 of 2020 is modified to the extent that the period stated therein for confirmation of the provisional bail granted to the petitioner on her furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties which is for 3 months, is modified and extended to the extent that the same will be six weeks from today. Remaining part of order dated 7.7.2020 passed in Cr. Misc. no.20792 of 2020 shall remain unchanged.

The application stands allowed to the above extent.

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(Partha Sarthy, J)

