

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18088 of 2025

In
CRIMINAL APPEAL (SJ) No.3501 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- MARAUNA District- Supaul

-
-
1. Ghurni Devi Wife of Shambhu Yadav Resident of Village - Kamrail, Bhagwati Tola, P.S. - Marauna, District - Supaul
 2. Salita Devi Wife of Seet Yadav Resident of Village - Kamrail, Bhagwati Tola, P.S. - Marauna, District - Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ugranarayan Chaupal Son of Ramdev Chaupal Resident of Village - Bhagwait, P.S. - Marauna, District - Supaul

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-03-2025 Heard the parties.

2. The present petition has been preferred for modification of order dated 29.10.2024 passed in Cr. Appeal (SJ) No. 3501 of 2024 passed by this Court to the extent to delete the condition no.(ii).

3. As per the prosecution story, due to construction of 'Indira Awas' on the land allotted by the Government, the allegation is that the accused persons including these two petitioners assembled and assaulted the informant's side which resulted into the death of Vasudeo Chaupal while Ramdev



Chaupal was referred to the Darbhanga Medical College Hospital and thereafter to PMCH, Patna. This led to the FIR.

4. The two ladies vide Cr. Appeal (SJ) No. 3501 of 2024 moved before this Court and considering that both are ladies, in custody since 17.05.2024, an undertaking was given that if granted relief, they shall be diligently appearing in trial, the petition was allowed.

5. Paragraph-6 of the order read as follows:

It is unfortunate that even for the construction of Indira Awas, allotted by the Government, such occurrence is/are taking place in the State of Bihar. The death has occurred and others are also injured. The role of the other accused cannot be ignored in the assault theory, in the present case, this Court has taken note of the fact that both the appellants are ladies, they have remained in custody since 17.05.2024, it has been specifically undertaken by the counsel for the appellants that if granted relief, they



shall be diligently appearing in trial.

5. A perusal of the said order dated 29.10.2024 would show that one of the condition for granting relief to the petitioner amongst other was that they shall be diligently appearing in trial.

6. Now a modification petition has been filed with the prayer that the condition to appear before the Trial Court on each and every date and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond be deleted from the order dated 29.10.2024.

7. The ground taken is that the petitioner no.2 has given birth to a child.

8. Learned APP opposes the prayer submitting that the condition itself clearly shows that failure to appear for two consecutive dates without plausible reason which result into cancellation of bail bond.

9. It is not the case of the petitioners that with plausible reason they made any application before the learned Trial Court and when there was one of the condition to grant bail that shall be diligently appearing in trial, diluting the same, the petitioners/accused in the garb of the ladies want to delay the trial.



10. This Court is in full conformity with the submission put forward by the learned APP, the three conditions which have been incorporated in paragraph-6 clearly show that beside their custody period and they being the ladies, the undertaking by them that they shall be appearing in trial, the Court granted them bail.

11. Even the condition clearly shows that if there is any plausible reason, they can make an appropriate petition before the learned Trial Court by passing the same and only to delay the trial, now this *modus operandi* has been adopted.

12. The same is dismissed with a cost of Rs.2000/- to be deposited with District Legal Services Authority, Supaul and the receipt has to be submitted before the learned Trial Court. Failure to do so, the Trial Court is directed to take appropriate steps in accordance with law for realization of the said amount.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

