

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21786 of 2018

Arising Out of PS. Case No.-367 Year-2017 Thana- ARA NAGAR District- Bhojpur

Mehrun Nisha W/o Md. Shamim, R/o Vill.- Choudhriyana, Ara, P.S.- Ara
Town, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-04-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner had earlier moved for bail, which was dismissed as withdrawn vide order dated 06.11.2017 passed in Cr. Misc. No. 44426 of 2017. Petitioner is languishing in judicial custody since 07.07.2017 in connection with Ara Town P.S. Case No. 367 of 2017 registered for the offence punishable under Sections 25(1-b)a, 26 and 35 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while investigating Ara Town P.S. Case No. 366 of 2017, on the confessional statement of one Md. Nurain Alam alias Sonu and Md. Aslam alias Raja confessed that the fire-arm used for murder was given to Guriya Khatoon, sister of Md. Nayeem. Guriya Khatoon confessed that she had given purse containing



the fire-arms to the petitioner. Thereafter, house of the petitioner was raided and from a box in the purse, three country made pistols along with 15 live cartridges kept in two magazines were recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that she is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that no overt act has been alleged to have been committed and the recovery was from the rented house of her husband, Md. Shamim. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses and the petitioner is languishing in judicial custody for more than nine months.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Ara in connection with Ara Town P.S. Case No. 367 of 2017, subject to the condition that both the bailors would be close relative of the



petitioner having sufficient immovable properties, who will file
an affidavit stating their relationship with the petitioner.

(Nilu Agrawal, J.)

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