

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14636 of 2021**

Arising Out of PS. Case No.-431 Year-2020 Thana- BARHARA District- Bhojpur

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NISHI SAH W/o Raj Kumar Sah R/o Village- Mohalla, Tari Mohalla, Ara,
P.S.- Ara Town and District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 10-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Syed
Ehteshamuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Barhara P.S. Case No. 431 of 2020 (G.R.
4633/2020) registered for the offences punishable under
Sections 302, 307, 120(B) and 34 of the Indian Penal Code and
Section 27 of the Arms Act. She is in custody since 26.09.2020.
The petitioner has no criminal antecedent.

As per the prosecution story on 24.09.2020 the
petitioner and the deceased had gone to Kali Mandir,

Bakhorapur Temple on a bike.

It is alleged that while they were returning after puja, on way towards 50-60 metres south of Birahipur Bridge, two unknown miscreants shot at the deceased with four cartridges. The informant who is the father of the deceased claims that when he reached the Sadar Hospital where deceased was admitted, his son told him in feeble voice that this petitioner had taken her to Kali Mandir and while returning, two unknown miscreants had fired upon him. It is alleged that this petitioner had gone thereafter with the miscreants on their bike and took away the mobile and purse of the deceased.

It is submitted that the petitioner is wife of one Raj Kumar Sah and the deceased is said to have taught her since her childhood upto graduation level. After her marriage the petitioner's children were being taught by the deceased, therefore he was like a family member of the petitioner.

Learned counsel for the petitioner submits that the petitioner has been involved in this case on mere suspicion. There is no recovery of mobile or purse of the deceased from her possession. It is highly improbable that the petitioner who had got family relationship with the deceased would indulge in killing him.

It is, thus submitted that the petitioner has been

implicated in this case on mere suspicion. Nobody had seen her returning on the bike of the assailant.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner. It is stated that in paragraph '11' of the case diary, the C.C.T.V. footage of the Kali Temple has been mentioned where the petitioner and the deceased were seen worshipping. No material pointing out that the petitioner was seen with the assailants has been placed before this Court.

Considering the facts and circumstances of the case, wherein no material has been placed before this Court showing that the petitioner had been seen with the assailants, the petitioner has remained in jail for above one year and investigation against her is complete, let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Ara, Bhojpur in connection with Barhara P.S. Case No. 431 of 2020 (G.R. 4633/2020) subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal

antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(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'.