

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40617 of 2022

Arising Out of PS. Case No.-28 Year-2021 Thana- KOCHAS District- Rohtas

NISHU RAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-10-2022 Heard learned counsel for the petitioner and learned
counsel for the State as also the informant.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Kochas (Parsathua O.P.) P.S. Case No. 28 of 2021 for the
offences under Sections 302, 307, 120(B)/34 of the Indian Penal
Code and Section 27 of Arms Act.

As per the FIR, the petitioner, along with other
accused persons, entered into the house of the informant and
while the informant's brother was climbing on the stairs, on the
order of co-accused Chunnu Rai, two unknown criminals fired
upon the informant's brother, due to which, he died.

Learned counsel for the petitioner submits that the



role of arranging shooter is attributed to the two brothers, she being wife only have been alleged to have fed the accused persons for which she has already suffered by being in custody since 13.5.2022 (as stated in para 19 of the bail application).

Learned counsel for the informant, on the other hand, submits that it is a case of shooting through sharp-shooter hired by the accused persons in which the petitioner also had a role, she does not deserve bail.

Considering the nature of the case and the role attributed to the petitioner of having allegedly treating the accused persons, is a lady and in custody since 13.5.2022, charge-sheet stands submitted, do not have criminal antecedents, this Court is inclined to grant her the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-I, Sasaram (Rohtas), in connection with Kochas (Parsathua) P.S. Case No. 28 of 2021 subject to the following conditions:-

- (i) one of the bailor should be the family member of the petitioner who shall provide official document to show her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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