

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42185 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- BALIA BELON District- Katihar

Roshan Khatoon W/o Md. Kaisar Resident of Village- Madhepur, P.s.-
Balrampur (OP Telta), Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Baliya Belon P.S. Case No. 11 of 2022 lodged under Sections
302, 120B, 34 of the I.P.C. read with Section 27 of the Arms
Act.

As per the prosecution case, information has been
received by the informant that her husband sustained gun shot
injury, upon which she alongwith other went at the place of
occurrence. In the meantime, police also arrived there and taken
her husband to Government hospital where husband was
declared dead. The informant has filed the present case against 6

known accused persons raising suspicion against them.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. He submits that the name of petitioner has figured in this case only due to the reason that the petitioner is sister of named accused of this case and during investigation, the arms has been recovered from the kitchen of the house. Learned counsel for the petitioner submits that for the recovery of arms, another case was lodged against him about which he has disclosed in paragraph 3 of the petition. Counsel for the petitioner submits that petitioner is in custody since 15.02.2022, charge sheet has already been filed. One criminal case relating to arms recovery relating to occurrence has lodged against the petitioner in which her bail was rejected with certain observations. Counsel submits that in the present case, the petitioner's involvement is not there and her name figured only due to reason that she is sister of named accused.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Katihar in connection

with Baliya Belon P.S. Case No. 11 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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