

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38720 of 2018

Arising Out of PS. Case No.-456 Year-2018 Thana- SASARAM NAGAR District- Rohtas

1. Ajay Ram, S/o Binod Ram,
2. Arjun Ram S/o Pukar Ram @ Hira Manik,
3. Sindhu Ram S/o Dipawali Ram,
4. Vinod Ram S/o Hari Ram @ Harilal, All Residents of Vill.-
Baulia, P.S.- Sasaram (Town), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-07-2018 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

Petitioners are languishing in judicial custody since
07.04.2018 in connection with Sasaram (Town) P.S. Case No.
456 of 2018 registered for the offence punishable under Section
307 and other allied sections of the Indian Penal Code and
Sections 3/ 4 of the Witch Craft Prohibition Act. Later on,
Section 302 of the Indian Penal Code has been added.

The prosecution case, as lodged by the informant,
Shila Devi, is that a panchayati was held in her house in which
26 persons participated to resolve the allegation of witchcraft
and its consequences. After one hour, the said 26 accused came



to the house of the informant and severely beat the informant and her family members on which one Suresh Ram sustained serious injuries and died during the course of treatment.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and the allegations are general and omnibus and it is not ascertainable as to on whose injury the said Suresh Ram succumbed. He submits that some of the accused persons have already been granted the privilege of bail by this Court in similar situation in Cr. Misc. No. 38169 of 2018 vide order dated 06.07.2018.

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 petitioners, named above, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (Town) P.S. Case No. 456 of 2018, subject to the conditions that:

- (1) One of the bailors would be close relative of the petitioners having



sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.

(2) The petitioners will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(3) It is also made clear that if, in future, petitioners indulge in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

(Nilu Agrawal, J.)

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