

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39456 of 2019

Arising Out of PS. Case No.-459 Year-2018 Thana- JHAJHA District- Jamui

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1. SAJAN SAH @ SAJJAN SAH Son of Sukhdeo Sah Resident of Village - Dhamana, P.S.- Jhajha, District - Jamui.
 2. Santosh Sah Son of Sajan Sah @ Sajjan Sah Resident of Village - Dhamana, P.S.- Jhajha, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Pd. Keshri

For the Opposite Party/s : Mr.J.K.Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 21-08-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323 and 304/34 of the Indian Penal Code and Section 3 and 4 of the Prevention of Witch (Diane) Practices Act registered in connection with Jhajha P.S. Case No. 459/2018.

3. It is submitted that the petitioners have been falsely implicated in connection with the death of the informant's father Musho Sah. It is submitted that the accusation of assault on the said Musho Sah is on co-accused Rakesh Sah. The petitioners are merely said to have given order to assault the informant's father and abused his mother Asha Devi. The petitioners claim clean antecedents.

4. Learned APP appears and opposes the petition.

5. Be that as it may and considering that there is no accusation of assault upon the deceased attributed to the petitioners, as well as the post mortem report of the deceased as contained in the case diary which discloses that no injury was found in any part of the body of the deceased, in the event of the petitioners' arrest or surrender before the



court below within six weeks from the date of communication of this order, let the above named petitioners' be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned SDJM, Jamui, in connection with Jhajha P.S. Case No. 459/2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/-

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