

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54476 of 2019

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

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1. Nirmala Devi, Aged about 53 years, Female, W/o Binod Sah, Resident of Village- Dhamna, P.S.- Jhajha, District- Jamui
 2. Binod Sah, Aged about 56 years, Male, S/o Shaligram Sah, Resident of Village- Dhamna, P.S.- Jhajha, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha
For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-09-2019 Heard both sides.

Petitioners apprehend their arrest in Jhajha P.S. Case No.459 of 2018, registered under Sections 341, 323, 304 and 34 of the Indian Penal Code as well as under Sections 3 and 4 of the Prevention of Witch Craft Act.

The informant alleged that Nirmala Devi called his wife Asha Devi a witch and alleged that Asha Devi practiced witch craft on her son, Ajit Kumar who was ill. When the wife of the informant objected, Rajesh Sah, Binod Sah, petitioner no.2, Sudhir Sah, Sajan Sah and Santosh Sah came and exhorted to assault his wife. In the meantime, the informant and his father came to save Asha Devi, the wife of the informant but Rajesh Sah assaulted his father with fists on his temple and face. Consequently his father fell down becoming unconscious. The father of the informant was brought to hospital but



during the course of treatment, the father of the informant died.

Learned counsel for the petitioners submits that the petitioners are of course named in the FIR. Petitioner No.1, Nirmala Devi is said to have alleged Asha Devi to be a witch but there is no allegation of assault against the petitioners. Only specific allegation of assault that too with fists and slaps was levelled against Rajesh Sah.

Taking into consideration the facts that petitioners are of course named in the FIR but no allegation of assault to the deceased or anybody else is made against the petitioners, only Rajesh Sah is said to have assaulted the father of the informant with fists and slaps on his temple and face resulting in the death of the father of the informant during the course of treatment, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Jamui in connection with Jhajha P.S. Case No.459 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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