

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.9851 of 2021

Arising Out of PS. Case No.-133 Year-2020 Thana- KUTUMBA District- Aurangabad

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1. DHANANJAY RAM, S/o Sunder Ram, Resident of Village- Samda (Ibrahimpur), P.S.- Kutumba, District- Aurangabad
 2. Ramdeo Ram, S/o Ram Sunder Ram, Resident of Village- Samda (Ibrahimpur), P.S.- Kutumba, District- Aurangabad ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners	:	M/s Yogendra Kr. Singh & Ratneshwar Prasad, Advs.
For the State	:	Mr. Shailendra Kumar Singh, APP
For the Informant	:	Mr. Shailesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-12-2021 Heard Mr. Yogendra Kumar Singh, learned Advocate for the petitioners, Mr. Sailesh Kumar, learned counsel for the informant and Mr. Shailendra Kumar Singh, learned Additional Public Prosecutor for the State.

The petitioners seek bail in anticipation of their arrest in connection with Kutumba P.S. Case No. 133 of 2020 dated 13.08.2020 instituted for the offences under Sections 147, 148, 149, 302 and 506 of the Indian Penal Code and 3 of the Witch Practices Act, 1991.

Several persons have been named in the FIR with the allegation of hacking to death the father-in-law of the informant on the charge of his practicing witchcraft in the village.

Learned counsel for the petitioners has submitted that the specific act of assault has been attributed to Uday Ram Vineet Ram, Sudama Ram and Ravindra Ram. So far as the petitioners are concerned, they are only said to be be the



members of the mob which had chased the deceased who thereafter was attacked leading to his death.

Learned counsel for the petitioners has further submitted that some of the other accused persons similarly situated have been granted regular bail by co-ordinate Bench of this Court.

Considering the nature of accusation against the petitioners, I am not inclined to grant anticipatory bail to them.

The prayer for anticipatory bail is rejected.

However, if the petitioners surrender before the Court below and seek bail, it shall be taken into account that no specific overt act has been attributed against them and that similarly situated persons has been granted bail by a Bench of this Court and shall pass orders in accordance with law without being prejudiced with the fact that the present application on their behalf has not been entertained.

(Ashutosh Kumar, J)

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