

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20393 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- GORAUL District- Vaishali

1. AJAY RAM S/o Bindeshwar Ram Resident of Village- Goraul Bhagwanpur, Police Station- Goraul, District- Vaishali.
2. Avinash Ram Son of Chandeshwar Ram Resident of Village- Goraul Bhagwanpur, P.S.- Goraul, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Prabhat

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 06-09-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Petitioners seek regular bail in Goraul P.S Case No. 02 of 2022 registered for the offence punishable under Sections 302, 307 and other allied sections of the Indian Penal Code and sections 3/ 4 of the Witch Craft Act.

Allegedly, co-accused Nisha Devi suspected the informant to have witch craft and thereafter both the petitioners and co-accused surrounded the informant and called as **Dayan** and at the direction of co-accused Nisha Devi, co-accused Chotu Ram inflicted three **Kotahali** blows on the head of the



informant as a result of which she sustained serious injury and died.

The main submissions advanced by Sri Rakesh Prabhat, learned counsel appearing for the petitioners are that against the petitioners there is no specific allegation and the allegation concerned is general and omnibus, allegation of assault to the informant by sharp cutting object is specific against co-accused Chotu Ram. No specific overt-act has been attributed against the petitioners and they are simply stated to be members of unlawful assembly. Further submission is that both petitioners have been languishing in jail since 07.01.2022 having clean antecedent and against them investigation has been completed.

Sri Narsingh Tanti, learned APP appearing for the State has opposed the prayer for bail.

In view of the above submissions and considering clean antecedent of the petitioners and their custody period and taking into account that no specific over-tact, any role in assaulting the informant has been mentioned in the FIR, in the opinion of this Court a lenient approach can be taken in respect of the petitioners. Let the petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate I, Vaishali at Hajipur in Goraul P.S Case No. 02 of 2022 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioners who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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