

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23905 of 2022

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

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Dhananjay Ram, Son of Ram Sundar Ram @ Sundar Ram, Resident of
Village- Samda Ibrahimpur, P.S. - Kutumba, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-08-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Bachan Jee Ojha, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Kutumba P.S. Case No. 133 of 2020 registered
for the offences punishable under Sections 147, 148, 149, 302,
506 of the Indian Penal Code and Section 3 of the Prevention of
Witch Practices Act.

As per prosecution case, it is alleged that all the
accused persons named in the F.I.R. suspected the hands of the
father-in-law of the petitioner in the death of Jugal Ram by
practicing Witch craft and on 13.08.2020 all of them chased and
killed her father-in-law.



It is submitted by the learned counsel appearing on behalf of the petitioner that from the F.I.R. it is evident that there is general and omnibus allegation against all the accused persons, however, against four of the accused persons, namely, Uday Ram, Vinit Ram, Sudama Ram and Ravindar Ram, there is specific allegation that they assaulted the deceased by Tangi and Gadasa. It is next submitted that this petitioner is in custody since 12.03.2022 having a man of fair antecedent. It is lastly submitted that other accused persons, having identical allegation, have already been granted bail by the different learned coordinate Benches of this Court in Cr. Misc. No. 3858 of 2021 vide order dated 19.03.2021 and in Cr. Misc. No. 32838 of 2021 vide order dated 29.11.2021, the copies of which have been produced before this Court and the same are kept on record.

On the other hand learned APP for the State vehemently opposes the bail application and submits that all the accused persons including the petitioner in furtherance of common intention killed the deceased.

Having considered the submissions made on behalf of the parties and taking into consideration the general and omnibus nature of allegation, apart from the fact that other co-



accused persons, having identical allegation, have already been granted by different learned coordinate Benches of this Court and this petitioner is in custody since 12.03.2022 having man of fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Kutumba P.S. Case No. 133 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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