

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39683 of 2021

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

RAVINDA RAM S/O LOHARI RAM R/O VILLAGE-SAMDA
IBRAHIMPUR P.S KUTUMBA, DISTRICT-AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-01-2022 Heard learned counsel for the parties through
video conferencing.

Petitioner seeks regular bail in connection with Sessions Trial No. 122 of 2021/108 of 2021 arising out of Kutumba P.S. Case No. 133 of 2020 registered for the offences under Sections 147 / 148 / 149 / 302 / 506 of the I.P.C. and Section 3 of the Prevention of Witch Practices Act, 1991.

As per the First Information Report petitioner along with other accused persons forming an unlawful assembly arrived at the house of the informant including co-accused Uday Ram, Bineet Ram and Sudama Ram. It has further been alleged that the petitioner killed the father -in-



law of the informant by means of '*Tangi*' and '*Gadasa*' describing him as "*Ojha*", who practices witch craft and due to which one villager Jugal Ram has died.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and he has not committed any offence in the manner alleged. Learned counsel next submits that the informant is not an eye witness and a large number of persons have assaulted the father-in-law of the informant on the ground that he was practicing witch craft in the village. Learned counsel next submits that similarly situated co-accused Bineet Ram whose name has specifically been disclosed by the informant along with Sudama Ram and Uday Ram with the allegation that they assaulted with "*Tangi*" and "*Gadasa*" has been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 32838 of 2021 and the petitioner is in custody since 27/3/2021. Learned counsel next submits that other co-accused persons have also been granted bail by this court in Cr. Misc. No. 39249 of 2021 and 37878 of 2021 respectively.

Regards being had to the submissions made by the



parties and taking into consideration the materials available on record, the fact that similarly situated co-accused persons including Bineet Ram having similar allegation have been granted bail by this court and the petitioner is in custody since 27-03-2021 having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge XII, Aurangabad, in connection with Sessions Trial No. 122 of 2021/108 of 2021 arising out Kutumba P.S. Case No. 133 of 2020 on the following conditions:-

(i) that the petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(ii) that if the petitioner tampers



with the evidence or the witnesses, in that case, prosecution will be at liberty to move for cancellation of bail.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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