

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39249 of 2021

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

1. SUDAMA RAM S/o Lalan Ram Resident of Village - Samda (Ibrahimpur), P.S. Kutumba, Dist. - Aurangabad.
2. Uday Ram S/O Late Ram swaroop Ram Resident of Village - Samda (Ibrahimpur), P.S. Kutumba, Dist. - Aurangabad.
3. Mahraj Ram S/O Late Swaroop Ram Resident of Village - Samda (Ibrahimpur), P.S. Kutumba, Dist. - Aurangabad.
4. Balindra Ram S/O Late swaroop Ram Resident of Village - Samda (Ibrahimpur), P.S. Kutumba, Dist. - Aurangabad.

... .. Petitioner/s

Versus

The State of bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arya Achint

For the Opposite Party/s : Mrs.Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-01-2022 Heard learned counsel for the parties through video conferencing.

Petitioners seek regular bail in connection with Kutumba P.S. Case No. 133 of 2020 registered for the offence under Section 147 / 148 / 149 / 302 / 506 of the I.P.C., Section 3 of the Prevention of Witch Practices Act, 1991.

As per the First Information Report petitioners along with other accused persons forming an unlawful assembly arrived at the house of the informant including Uday Ram (petitioner no. 2), Vinit Ram, Sudama Ram (petitioner no. 1)



and Ravindra Ram and 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 petitioners submits that petitioners have falsely been implicated in this case and they have 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 Vinit 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 petitioners are in custody since 27 / 3 / 2021. Learned counsel next submits other co-accused persons have also been granted bail by this court in Cr. Misc. No. 37878 of 2021 .

On the other hand, learned counsel for the informant opposes the prayer for bail and submits that in the FIR informant has specifically disclosed the name of Sudama Ram



(petitioner no. 1) , Uday Ram (petitioner no. 2) along with Vinit Ram and Ravindra Ram as the persons who assaulted the father -in-law of the informant by means of ‘Tangi’ and ‘Gadasa’ due to which he died. Accordingly the petitioner no. 1 and 2 do not deserve the privilege of bail.

Regard 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 Vinit Ram having similar allegation have been granted bail by this court and the petitioners are in custody since 27-03-2021 having no criminal antecedent, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Kutumba P.S. Case No. 133 of 2020 on the following conditions:-

(i) that the 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.

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

(Anil Kumar Sinha, J)

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