

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33787 of 2022

Arising Out of PS. Case No.-328 Year-2021 Thana- SIRDALA District- Nawada

Raj Kumar Das @ Bhojpuri Son of Devdas Resident of Village - Chandradew,
Police Station - Sirdala (Meskaur), District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-09-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Sirdala (Maskaur) P.S. Case No.328 of 2021 registered for the offences punishable under Sections 147, 149, 341, 323, 504 and 364 of the Indian Penal Code 1860 and Sections 3/ 4 of the Bihar Prevention of Witch (Daain) Practices Act.

As per the allegation, co-accused persons being sixteen in number came at the house of the informant and forcefully lifted four ladies of the informant's family with an intention to kill them in the name of sacrifice (Bali) and they took the victims at a specific place where the petitioner and one



co-accused person were present and according to the prosecution, the Puja of alleged sacrifice was to be performed by this petitioner and co-accused Bindeshwari Prasad Yadav but in the meantime, the police arrived and saved the victims from the clutch of the accused persons.

The main submissions advanced by the learned counsel Mr. Sada Nand Roy for the petitioner are that the main allegation of taking the victims forcefully from the informant's house is against co-accused persons and as per the FIR the petitioner was simply engaged to perform the alleged sacrifice (Bali) Puja, except this there is no other allegation against this petitioner and before performing that Puja the victims were made free from the accused persons and the petitioner has been chargesheeted and similarly situated several co-accused persons have been granted bail by co-ordinate Bench of this Court vide orders passed in Cr. Misc. No.68023 of 2021 and 4989 of 2022 and against the petitioner there is an other P.S. Case bearing Sirdala (Maskaur) P.S. Case No.329 of 2021 which has been lodged in connection with the same occurrence which was allegedly committed in relation to the present occurrence in which the petitioner is on bail and except this there is no other case against the petitioner.



Learned APP Mr. Ram Naresh Ray appearing for the State has opposed the bail prayer.

Having regard to the facts and circumstances of this case and considering the above submissions and mainly taking into account the facts that several similarly situated co-accused persons have been granted bail by co-ordinate Bench of this Court vide orders passed in above-mentioned criminal miscellaneous cases and as per allegation petitioner was present at the alleged occurrence to perform Puja in the name of Sacrifice(Bali) and he belongs to a rural background, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Sirdala (Maskaur) P.S. Case No.328 of 2021.

(Shailendra Singh, J.)

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