

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28401 of 2023

Arising Out of PS. Case No.-70 Year-2022 Thana- AAYAR District- Bhojpur

Bigan Ram S/O Late Shyam Lal Ram @ Bahir Ram R/O Village- Barnaw
Mushar Toli, P.S- Ayar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Advocate

For the Opposite Party/s : Ms.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Ayar
P.S. Case No.70 of 2022 registered for the offence under
Sections 302 and 34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 09.07.2022.

4. The allegation against the petitioner is to commit
the murder of the minor son of informant alongwith other
named co-accused persons, where occurrence arises out of
Witch Practices.

5. Learned counsel appearing on behalf of the
petitioner submitted that informant is not an eye-witness of the
present occurrence, where entire allegation is based upon



suspicion out of witch practices. It is further submitted that co-accused, namely Jimdar Ram and Ram Awtar Ram, with similar allegation have already granted bail by learned Co-ordinate Bench of this Court through Cr. Misc. No. 23058 of 2023 vide order dated 17.07.2023 respectively. While travelling over the argument it is submitted that allegation appears very much general and omnibus, where nothing surfaced during the course of investigation as to suggest that petitioner appears to be involved with the present occurrence of murder. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as entire implication appears to be based upon suspicion, where informant is not an eye-witness of the occurrence, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 09.07.2022, accordingly, petitioner, above named, is directed to be released on bail in connection



with Ayar P.S. Case No.70 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-XVIII, Bhojpur, Ara/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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