

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60094 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- RAJAOLI District- Nawada

1. PINTU SAO Son of Bigan Sao @ Ramotar Sao Resident of Village-Chatkari, P.S. Rajauli, District- Nawada
2. RAJESH SINGH Son of Dhaneshwar Singh Resident of Village- Gohiyadh, P.S.- Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Nayan, Advocate

For the Opposite Party/s : Ms.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-01-2023 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Rajauli PS case no. 71 of 2022 instituted for the offences punishable under Sections 302 and other allied sections of the Indian Penal Code and Sections 3/4 of Prevention of Witch (Dain) Practice Act, 1999.

The allegation is regarding 53 named and 25 unknown persons having forcibly taken the wife of the informant along with them, while she was grazing cattle in the field alone, on the allegation of her being a witch and then the accused persons namely Dilip Singh, Dinesh Singh and Vijay Singh had poured kerosene oil on the wife of the informant, whereafter, the accused person namely Rameshwar Singh had set her ablaze, whereupon the



wife of the informant had jumped in a pond to save her life, however, the mob had then started pelting stones and in the meantime, accused persons namely Dinesh Singh and Dilip Singh had caught the wife of the informant and then accused Vijay Singh had killed her by slitting her throat.

The learned counsel for the petitioners submits that the petitioners are innocent, have been falsely implicated in the present case and they are languishing in custody since 23.08.2022. The learned counsel for the petitioners has further submitted that while the petitioner no. 2 is having a clean antecedent, the petitioner no. 1 is an accused in one other case but he is on bail in the said case. It is next submitted that the petitioners can at best be stated to be the members of the mob, however they are not having any complicity in the matter, inasmuch as the main accused persons are Dilip Singh, Dinesh Singh, Vijay Singh and Rameshwar Singh. It is also submitted that similarly situated co-accused persons have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 27.09.2022, passed in Cr. Misc. no. 50636 of 2022. It is also submitted that the petitioners herein were also petitioners in the said case i.e. Cr. Misc. no. 50636 of 2022, however, they had been arrested during the interregnum period, hence, they were permitted to withdraw the anticipatory bail petition vide order dated 27.09.2022.

Per contra, the learned APP for the State has



vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the parity of the case of the petitioners with that of the co-accused persons who have already been granted anticipatory bail by a co-ordinate Bench of this Court, I deem it fit and appropriate to admit the petitioners to the privilege of bail.

Accordingly, the abovenamed petitioners are directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Rajauli PS case no. 71 of 2022.

(Mohit Kumar Shah, J)

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