

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29750 of 2024

Arising Out of PS. Case No.-604 Year-2023 Thana- JHAJHA District- Jamui

1. Baldeo Das S/O Doman Ravidas R/O Village- Dhobiyakura, P.S- Jhajha, Distt.- Jamui.
2. Shambhu Das S/O Baldev Ravidas R/O Village- Dhobiyakura, P.S- Jhajha, Distt.- Jamui.
3. Niraj Kumar S/O Shambhu Das R/O Village- Dhobiyakura, P.S- Jhajha, Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Raj, Adv.
For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2024 Heard learned counsel appearing on behalf of the
petitioners and learned A.P.P. appearing for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Jhajha P.S. Case No. 604 of 2023, registered on 12.12.2023 for the offences under Sections 341, 323, 307, 354A, 379, 504, 506 and 34 of the Indian Penal Code and Section 3/4 of Dian Prevention Act.

3. As per the prosecution case, the petitioners came to the house of the informant and making allegation against her for black magic they assaulted the informant. Petitioner no. 3 tried to forcibly feed her with excreta. The petitioners assaulted the



informant till she became unconscious. Lastly they threatened the informant to leave their village.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The true fact of the case is that informant and her family members entered the house of the petitioner and started assaulting the wife of petitioner no. 2 calling her witch. They abused and assaulted her and other family members and took away Rs. 5000/- jewellery from the house for which Jhajha P.S. Case No. 605 of 2023 has been registered against the informant of this case and her other family members. Learned counsel further submits that admittedly the parties are agnates and Title Suit No. 47 of 2020 is pending between the parties. Learned counsel further submits that petitioner no. 3 is student and at the time of alleged occurrence he was not even present in his village. The prosecution story is false and concocted and this fact is apparent from the injury report of the informant Puja Kumari. As per allegation she was brutally assaulted by the petitioners however, the doctor who examined her did not find any injury rather her injuries were found to be body pain in whole body which is a common problem and can occur due to a number of factors. The injury is



stated to be caused by hard and blunt object which is stated to be simple object. Learned counsel further submits that from the facts of the F.I.R. offences under Sections 307, 354A and 379 of the Indian Penal Code are not made out and these provisions along with Section 34 of the Witchcraft Prevention Act are not applicable in the present facts of the case. There is an inordinate delay of four days in lodging of F.I.R without any plausible and satisfactory explanation. Informant is in the habit of lodging false cases and one such case is Jhajha P.S. Case No. 425 of 2022. The petitioner nos. 1 & 2 are having five criminal antecedents and petitioner no. 3 is having two criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners. Learned A.P.P. submits that there is specific allegation against the petitioners for calling the informant witch and trying to forcibly make her eat excreta. The petitioners are also having a number of criminal cases against them.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the case and counter case of the parties and further considering superficial nature of injuries received by the informant, let the petitioners above named, in the event of their arrest or surrender



before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Jamui in connection with Jhajha P.S. Case No. 604 of 2023, subject to the condition laid down under Section 438(2) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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