

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45521 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- MAHILA P.S. District- Nawada

Bhagirath Prasad, (M), aged about 44 years, S/o Ramvilas Saw, Resident of Village - Gurighat, PS- Kauwakol, District-Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Raj Kumar, Advocate
For the Informant : Mr. Rabi Bhushan Prasad-1, Advocate and Mr. Vijay Prakash Bhargana, Advocate
For the State : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 22-08-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Mahila P.S. Case No. 01 of 2024 dated 22.01.2024 registered for the offences punishable under Sections 341, 342, 323, 325, 354B, 307 and 379 of the I.P.C. and Sections 3 and 4 of The Prevention of Witch Practices Act, 1999. Later on, Section 302 of the I.P.C. was also added.

3. As per the prosecution case, on 18.01.2024 in the night, the co-accused Reena Devi called the *Bhutna Ojha* from



Lakhisarai and kept him in her house for the whole night. It is further alleged that in the morning, the co-accused Reena Devi said the informant that she knew everything from the *Ojha* that the informant is a witch and asked her to company with her and cure her daughter and also asked her that the co-accused Reena Devi's daughter is not curing from the medicine. Thereafter, on 19.01.2024 at 2.00 P.M., Bhagirath Prasad (petitioner), the co-accused persons Reena Devi, Anjali Kumari, Ranjani Kumari and Shubham Kumar entered the house of the informant with deadly weapons and the co-accused Reena Devi assaulted with fists and slaps and started pressuring her neck with an intention to kill her and on raising hulla, Bhagirath Prasad (petitioner) assaulted with rod on the hand of the informant due to that her hand became fractured. When her daughter-in-law (*Putoh*) Sunita Devi, came to rescue her, Bhagirath Prasad (petitioner) assaulted with rod on the body of Sunita Devi. When Shital Mahto, the husband of Sunita Devi, came to rescue her, the co-accused Shubham Kumar assaulted him with fists and slaps by catching his hairs and thrashed him on the ground and also tore his clothes. When his son Manohar Prasad came to rescue Shital Mahto, then Rajani Kumari assaulted with *killa* of animal on the back, leg and head of Manohar Prasad and pressed his neck.



When the villagers assembled there, the accused persons fled away from there and threatened that the informant will have to go from the village. The co-accused Rajani Kumari took *Iron* of Philips Company from the house of the informant and the co-accused Shubham Kumar snatched wrist watch of Manohar Prasad.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that after investigation, charge sheet has been submitted against the petitioner for the offences punishable under Sections 341, 342, 323, 354B, 307, 302, 379/34 of the I.P.C. and Sections 3 and 4 of The Prevention of Witch Practices Act, 1999. It is further submitted that from perusal of the F.I.R. it appears that the petitioner assaulted with rod on the hand of the deceased and there is no repetition of blow on the informant and her family members by the petitioner and the other co-accused persons. The alleged occurrence took place on 19.01.2024 and the F.I.R. has been lodged on 22.01.2024 after a lapse of three days for which no explanation has been given by the prosecution which also creates doubt about the prosecution case. It is further submitted that as per the F.I.R., the deceased was assaulted with kick, fists and iron rod



but as per the postmortem report, the doctor has not found any external injury on any part of the deceased body except diffuse swelling over left wrist present. The deceased was aged about 78 years old. There is land dispute between the parties. There is general and omnibus allegation against the petitioner. The other co-accused Reena Devi has already been granted bail by a Bench of this Court vide Cr. Misc. No. 42026 of 2024 under order order dated 20.06.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 27.01.2024.

5.Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for bail petition of the petitioner and submitted that the specific allegation of assault on the hand of the deceased is against the petitioner and the injury is found to be grievous in nature.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody of the petitioner, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Nawada in connection with Mahila P.S. Case No. 01 of 2024.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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