

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57528 of 2024

Arising Out of PS. Case No.-58 Year-2024 Thana- LADANIA District- Madhubani

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Santosh Sah @ Santosh Kumar Sah, aged about 23 years, Gender- Male, son of Ram Subhak Sah, resident of Village- Yogia, PS- Ladaniya, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Ladaniya PS Case No.58 of 2024 dated 11.03.2024, instituted under Sections 341, 323, 354-B, 379, 504/34 of the Indian Penal Code and Section 3/4 of the Witch Craft Act.

3. The prosecution case, in short, is that the wife of the informant's neighbour (Santosh Sah) was not well since few days. Someone told Santosh Sah that wife of the informant has committed some witchcraft act upon her due to which she is not recovering. On the alleged date of occurrence, the petitioner and others surrounded both of them near his house and said that his wife Puspa Devi has been witched by her and asked to cure her



or else they will kill. When the informant protested, both of them started using abusive languages and started assaulting him with *lathi-danda*, bricks and stones. Thereafter Ram Pukar Sah, Reena Devi, Ram Rakhi Devi came from behind and assaulted the due to which both of them got fainted and in the process of assault they snatched the gold *Jhumka* from his wife's ear, tore her *Sarree* and made her half naked.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Both parties are co-villagers. There is case and counter case between the parties. The counter case has been lodged by the wife of the petitioner. It is further submitted from the impugned order, it is clear that no external injury of any kind was found. It is further submitted that it is mentioned in the impugned order itself that during the course of supervision the police has found the case true only under Sections 323, 341, 354, 504/34 and the charge under the Witchcraft Act has been dropped by the police. It is further submitted that it is mentioned in the impugned order itself that there was no element of intention for pulling *Saaree*, rather, her *Saaree* got torn during the altercation. It is further submission that no independent witness has supported the prosecution case during investigation.



Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Madhubani, in Ladaniya PS Case No.58 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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