

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68112 of 2024**

Arising Out of PS. Case No.-22 Year-2024 Thana- ROHTAS District- Rohtas

Raushan Kumar Son of Naresh Bhuiya Resident of Village - Satgaliya, P.S. -  
Rohtas, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar Tiwari, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      01-10-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with  
C.I.S/S. Tr. No. 199 of 2024 (arising out of Rohtas P.S. Case No.  
22/2024), lodged on 22.01.2024 under Sections 323, 342, 307,  
504, 34 of the Indian Penal Code and Sections 3, 4 of the  
Prevention Of Witch (DAAIN) Practices Act, 1999.  
Subsequently, Section 302 of the Indian Penal Code was also  
added.

3. As per the prosecution case, the FIR has been  
lodged against four accused persons including the present  
petitioner alleging therein that all the accused persons entered  
into the house of the informant started assaulting and abusing  
the informant and his wife. Thereafter, they dragged the wife of



the informant towards a forest and assaulted her badly with stones with an intention to kill her. Subsequently, the police party came and thereafter the victim was taken to Primary Health Centre, Sasaram and from where she was referred to Sadar Hospital, Sasaram, and thereafter to Patna for treatment. The cause of the dispute is that all the accused persons think that the wife of the informant is Witchcraft. Subsequently, the wife of the informant died due to which Section 302 of the Indian Penal Code was also added in the FIR.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. In the FIR itself, it has been stated by the informant that the locality of the people has made an allegation against him that she is a Witch Craft and with this allegation, she was being subject to this occurrence. He further submits that the antecedent of the petitioner is clean and he is in custody since 23.01.2024. He further submits that from a bare reading of the FIR, it appears that the allegation is omnibus and general. There is no allegation of act and overt-act against the petitioner. He further submits that the charge-sheet has already been filed in this case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it is the petitioner who along



with others has committed this crime.

6. Upon specific query of the Court whether the charge has been framed in this case or not, the learned Counsel for the petitioner submits that as per his knowledge, the charge has not been framed.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be released on bail, **but only after framing of charge, if already not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of 3rd Additional District and Sessions Judge, Rohtas at Sasaram, in connection with C.I.S. /S.Tr. No. 199/2024 (arising out of Rohtas P.S. Case No. 22/2024), subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(Dr. Anshuman, J)

Ashwini/-

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