

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75661 of 2024

Arising Out of PS. Case No.-238 Year-2024 Thana- SURSAND District- Sitamarhi

1. Ram Sagyan Rai @ Ram Sangayan Rai, Son of Late Sukeshwar Rai,
2. Raju Rai, Son of Samat Lal Rai
Both are residents of Village- Sundarpur, P.S.- Sursand, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Sursand P.S. Case No. 238 of 2024, registered for the alleged offences under Sections 447, 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 3/4 of Witch Craft Practices Act.

3. As per prosecution case, the petitioners and other co-accused persons came to the house of the informant and co-accused Sammat Lal Rai gave a *dabiya* blow on the head of the father of the informant and they also caught hold of the mother of the informant. On alarm being raised by the mother of the informant, the petitioners and co-accused persons fled away



from the spot.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is no specific allegation against the petitioners. The petitioners and the informant's side are agnates and the matter has been settled between the parties after compromise has been effected and the compromise petition has been filed before the learned trial court. The petitioners are in custody since 09.08.2024 and are having clean antecedents.

5. The learned A.P.P. opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the non-specific nature of allegation against the petitioners and further considering the period of custody of the petitioners along with their clean antecedent, the petitioners are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi, in connection with Sursand P.S. Case No. 238 of 2024, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the 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 court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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