

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27121 of 2025**

Arising Out of PS. Case No.-90 Year-2024 Thana- PURAINI District- Madhepura

Shambhu Sharma S/o Kartik Sharma Resident of Village- Durgapur Ward No 06, P.S.- Puraini, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 06-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Puraini P.S. Case No. 90 of 2024, registered for the offences under Sections 302/34 of the Indian Penal Code and 3/4 of the Prevention of the Witch Practices Act.

3. As per the prosecution case, the petitioner and other co-accused persons assaulted the daughter of the informant and the petitioner and other co-accused persons put a rope in the neck of the daughter of the informant and started pulling the same. The informant raised hue and cry and when he went near the body of his daughter, he found that she was dead. The co-accused showed his suspicion that the daughter of the informant was a witch as child of the co-accused Anil Sharma had been



keeping ill.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner is own brother of the husband of the deceased. The petitioner has no dispute with his brother Pintush Kumar and he has no concern with the family affairs of the deceased. The petitioner has five brothers and they are all living separately. Moreover, the petitioner has no reason to commit offence against the daughter of the informant as the child of Anil Sharma had been ill and there was no occasion for the petitioner to get involved in the said occurrence. Learned counsel further submits that even the rope with which the deceased was allegedly strangled has not been seized and this falsifies the prosecution allegation. Learned counsel further submits that though there is allegation that the deceased was assaulted prior to her death, no external injury has been found on the body in the post mortem report. Learned counsel further submits that allegations are contradictory and creates doubt over their genuineness. Learned counsel further submits that the petitioner is in custody since 28.05.2024 and he is having no criminal history. Charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the



submission made on behalf of the petitioner. Learned A.P.P. submits that there is specific allegation against the petitioner and co-accused persons of putting a rope around the neck of the daughter of the informant and pulling it, causing her death.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the clean antecedent of the petitioner and further considering his period of custody and submission of charge sheet, the petitioner is directed to 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 A.C.J.M.-I, Udakishunganj, Madhepura/concerned court, in connection with Puraini P.S. Case No. 90 of 2024, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three



consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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