

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38878 of 2025

Arising Out of PS. Case No.-303 Year-2024 Thana- CHAUTHAM District- Khagaria

Sanjay Sada Son of Late Madhu Sudan Sada village- Malpa, Ps- Choutham,
Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the State : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Choutam P.S. Case No. 303 of 2024, dated 11.10.2024, registered for the offences punishable under Sections 109, 191(2), 190, 115(2), 118(2), 125, 126(2), 127(2), 121(2), 132, 324(4), 324(5), 131 and 121(1) of B.N.S., 2023.

3. As per allegation, one 5 years old child died in the Village-Malpa and his death was caused by witch craft of one Indu Devi. Hence, the accused persons started beating that lady and when the son of Indu Devi went to protect his mother, he was also assaulted.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this



case. He further submits that as a matter of fact, for the same occurrence, previous F.I.R. was lodged on the written report of son of said Indu Devi bearing Chautham P.S. Case No. 302 of 2024 dated 11.10.2024, registered for the offences punishable under Sections 126(2), 191(2), 191(3), 190, 109, 115(2), 75, 303(2), 329(3) and 127(2) of B.N.S., 2023 and Sections 3 and 4 of Bihar Dyne Act, 1999. Subsequently the present F.I.R. has been lodged on the written report of the police itself. Hence, learned counsel for the petitioner submits that this subsequent case bearing Chautham P.S. Case No. 303 of 2024 should be merged in the previous F.I.R. bearing Chautham P.S. Case No. 302 of 2024. He further submits that in the previous F.I.R. bearing Chautham P.S. Case No. 302 of 2024, the petitioner has already been enlarged on anticipatory bail by a Co-ordinate Bench of this Court vide order dated 22.05.2025 passed in Cr. Misc. No. 34001 of 2025. He also submits that the petitioner was no way involved in the alleged offence and he was not present even on the place of occurrence. He further submits that the petitioner is neither connected with the 5 years old child who died, nor with Indu Devi. He is only a co-villager and his name has been implicated in this case only on the basis of suspicion. He further submits that the F.I.R. has been lodged



against 35 known accused persons and 100 unknown accused persons and it goes without saying that it is not possible for anyone to know each and every accused persons and hence, the name of the petitioner has transpired in this case only on the basis of suspicion.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has one criminal antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the fact that on similar allegation, a previous F.I.R. bearing Chautham P.S. Case No. 302 of 2024 was instituted against this petitioner in which he has already been enlarged on anticipatory bail and considering the facts and other circumstances as stated above, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned concerned Court below, in connection with Chautham P.S. Case No. 303 of 2024, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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