

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44680 of 2025

Arising Out of PS. Case No.-123 Year-2025 Thana- JHAJHA District- Jamui

1. Murli Devi, aged about 65 years, W/o Late Fagu Naiya R/o Village- Chilko Masan Ghat, P.S.- Jhajha, Distt- Jamui
2. Phushni Devi, aged about 60 years, W/o Fagu Naiya R/o Village- Chilko Masan Ghat, P.S.- Jhajha, Distt- Jamui
3. Jalo Naiya, aged about 30 years, S/o Khiru Naiya R/o Village- Chilko Masan Ghat, P.S.- Jhajha, Distt- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivendra Kumar, Advocate Mr. Ranjeet Patel, Advocate Mr. Avnish Kumar Singh, Advocate
For the Opposite Party/s :		Mr. Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. Petitioners are in custody in a case registered for the offence punishable under Sections 103(1), 61(2) and 3(5) of the B.N.S. and Section ¾ of prevention of Witch(Daain) practice Act.

3. As per the prosecution case, it is alleged that petitioners along with other co-accused persons came at the informant's house and took his father and mother along with them and after reaching at the house of co-accused, Ashok Naiya, he along with his brother, Rajesh Naiya have assaulted the father and mother of the informant, namely, Jageshwar Bhulla and Jaso @ Jasiya Devi with means of 'kulhari' as a



result of which informant's father and mother had died at the spot. It is further alleged that the petitioners along with other co-accused persons have murdered the parents of the informant on the pretext that they are involved in witch practices and they by doing 'Jadu-tona' have killed father of Ashok Naiya and Rajesh Naiya, namely, Fagu Naiya.

4. Learned counsel for the petitioner submits that petitioners are innocent and have falsely been implicated in this case. He next submits that petitioner nos. 1 and 2 are ladies and are wife of late Fagu Naiya and there is no any specific allegation of overt act against these petitioners and the only allegation alleged against the petitioner no.3 is that he did not help the informant. He next submits that the specific allegation has been attributed against co-accused Ashok Naiya and Rajesh Naiya that they have killed the father and mother of the informant by means of *Kulhadi*. He next submits that petitioners are in custody since 18.03.2025 and have got clean antecedents as stated in para-3 of the bail petition.

5. Learned APP for the State opposes the prayer for Regular bail of the petitioners.

6. On perusal of the First Information Report, case diary as well as impugned order date 02.06.2025, it appears that



there is no specific allegation of overt act against the petitioner nos. 1 and 2 rather the only allegation is against the petitioner no.3 that he did not help the informant as well as the fact that specific allegation is against co-accused persons, namely, Ashok Naiya and Rajesh Naiya that they have killed the father and mother of the informant by means of *kulhari*. So, considering the facts and circumstances of the case as well as the submissions made by learned counsel for the petitioners, let the above named petitioners be released on bail, on their furnishing bail bonds of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of Learned Chief Judicial Magistrate, Jamui in connection with Jhajha P.S. Case No.123 of 2025.

(Ramesh Chand Malviya, J)

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