

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61924 of 2025

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

Girdhari Naiya son of Mahavir Naiya @ Maho Pujahar R/o - Pipradih
Belatand, P.S - jhajha, District - Jamui

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-10-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with Jhajha P.S. Case No. 123 of 2025 registered for the offences under Sections 103(1), 61(2), 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.') and section 3, 4 of Prevention of Witch (Daain) Practices Act.

3. The accused/petitioner is named in the First Information Report and is in custody since 18.03.2025.

4. As per FIR, petitioner alongwith other named accused persons found involved in committing the murder of father and mother of the informant on pretext of indulging in witch practice and thus by killing the father of Ashok Naiya



and Rajesh Naiya namely, Fagu Naiya.

5. It is submitted by learned counsel appearing on behalf of the petitioner that allegation *qua* fatal assault is specifically available against co-accused Ashok Naiya and his brother Rajesh Naiya, who alleged to involve in assaulting the deceased parents of the informant by using Axe (kulhari). It is submitted that petitioner implicated falsely with the present case being co-villagers with limited allegation of instigation.

6. While concluding argument, it is submitted that petitioner found involved in one criminal case, where he is on bail and, moreover, investigation of this case is already completed, charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

7. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

8. In view of aforesaid factual submission and by taking note of the fact as allegation of fatal assault is not available against this petitioner, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 18.03.2025, accordingly,



above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui/ concerned court, in connection with Jhajha P.S. Case No. 123 of 2025, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J.)

Rajeev/-

U		T	
---	--	---	--

