

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87845 of 2024

Arising Out of PS. Case No.-70 Year-2023 Thana- SANJHOLI District- Rohtas

Chhotan Dom @ Chhotan Dome Son of Late Gariban Dom Resident of
Village- Basaura, P.S.- Sanjhauli, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashikant, Advocate
For the State	:	Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-01-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Sanjhauli P.S. Case No. 70 of 2023 for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code, lodged on 18.05.2023 by the informant, Dharmsheela Devi.

3. As per the prosecution story, the informant alleged that her husband was in the business of exorcize and on the fateful night, the petitioner had called to cure his daughter. When he went to the home of the petitioner, his son Tamatar objected to it and later used iron rod (*gainta*) to hit the informant's husband who died on the spot. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that a bare perusal of the F.I.R. would show that specific allegation is



against his son Tamatar. He only being father who had called the deceased to home to cure his daughter, implicated. He is in custody since 19.05.2023 having no criminal antecedent.

5. Learned APP for the State opposes the prayer submitting that it was the petitioner who took the deceased to home and the said visit proved fatal.

6. Having gone through the facts of the case and the submissions of the parties, it is unfortunate that even after lapse of quarter of this century, the people instead of taking a person to a proper hospital for treatment, go for these quacks and the son of the petitioner resented to it and ultimately an assault took place in which while the informant's husband left this world, the family of this petitioner including his son are in a criminal case and will be facing the trial.

7. So far as this petitioner is concerned, any role of assault is not assigned to him, he is in custody since 19.05.2023 and has no criminal antecedent, main allegation is against his son, as stated above, in that background, this Court is inclined to extend him the privilege of bail.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 3rd Additional



Sessions Judge, Rohtas at Sasaram in connection with Sanjhauli
P.S. Case No. 70 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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