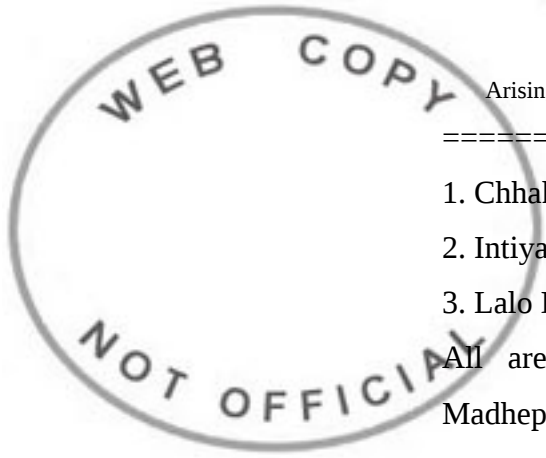




IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32386 of 2015

Arising Out of PS.Case No. -75 Year- 2014 Thana -ALAMNAGAR District- MADHEPURA

1. Chhakni Paswan, S/o Late Devo Paswan.
2. Intiya Devi W/o Mogal Paswan.
3. Lalo Devi, W/o Late Deva Paswan.

All are resident of village -Alamnagar, P.S - Alamnagar, District Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar-1, Advocate
For the Opposite Party/s : Mr. S.N. Shukla (A.P.P.)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-08-2015 Heard learned counsel for the petitioners and learned Assistant Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Alamnagar P.S. Case No. 75 of 2014, disclosing offences under Sections 147, 149, 341, 323, 324, 379, 436 and 506 of the Indian Penal Code and under Section 3/4 of Prevention of Witch Practices Act.



Learned counsel appearing on behalf of the petitioners submits that on the basis of the allegation, as contained in the First Information Report, no offence under Section 436 of the Indian Penal Code is made out against the petitioners, in the absence of any specific allegation against them. He has further submitted that addition of Section 379 of the Indian Penal Code, making allegation of theft, is ornamental, as there is no allegation that the petitioners took away any amount as made in the First Information Report.

In view of the submission as above, this application is allowed. Let the petitioners, abovenamed, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Sub-Divisional Judicial Magistrate, Uda Kishunganj** in connection with **Alamnagar P.S. Case No. 75 of 2014**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the

case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall liable to be cancelled.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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