

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56020 of 2015

Arising Out of PS.Case No. -73 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA

Vijay Mistri @ Brij Lal Mistri Son of Ganouri Mistri Resident of Village-
Bar ,P.s Sherghati,District Gaya.

.... Petitioner

Versus

1. The State of Bihar.
2. Geeta Devi, wife of Shiv Nandan Mistry, resident of village- Bar, P.S.-
Sherghati, District- Gaya.

.... Opposite Parties.

Appearance :

For the Petitioner/s : Mr. Amit Kumar Singh, Advocate
For the State : Mr. Shailendra Kumar 2 , (App)
For the O. P. No. 2 : Mr. Sanjay Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 14-12-2015 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the complainant.

The petitioner seeks bail in connection with
Complaint Case No. 73 of 2013 registered under Section 376 of
the Indian Penal Code and Section 3 / 4 of Prohibition of Witch
Craft Act.

It is contended that it is a clear case of abuse of the
process of the Court. The complaint has been filed just in order
to humiliate and harass the accused persons. There is absolutely
no compliance of Section 154(1) and 154(3) of the Code of

Criminal Procedure before instituting a complaint. It is further contended that another co-accused Aditya Mistry has already been granted bail by a co-ordinate Bench of this Court, vide order dated 13.10.2015, passed in Cr. Misc. No. 46328 of 2015.

Learned counsel for the complainant has vehemently opposed the application for grant of bail to the petitioner.

Regard being had to the reasons assigned in the order dated 13.10.2015 and the fact that there is delay of two days in instituting the complaint, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sherghati, Gaya in Complaint Case No. 73 of 2013.

(Ashwani Kumar Singh, J.)

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