

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7957 of 2015

Arising Out of PS.Case No. -56 Year- 2014 Thana -MAHILA P.S. District- BHAGALPUR

- =====
1. Muniya Devi wife of Kamleshwari Mandal
 2. Sabudan Mandal
 3. Kundan Mandal Both sons of Kamleshwar Mandal
 4. Kamleshwari Mandal
 5. Sanichar Mandal
 6. Pancham Mandal All sons of late Rupan Mandal
 7. Vikash Mandal
 8. Mithilesh Mandal Both are sons of Ram Balak Mandal
- All are resident of village- Kishanpur P.S. Akbar, Nagar, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha
For the Opposite Party/s Mr. Sanjay Kumar Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 03.03.2015 Heard learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State.

Admittedly, all sections are bailable in nature except sections 354, 504 of the IPC and section 3/4 of the Prevention of witch Practices Act.

The contention on behalf of the petitioners is that petitioners are agnates of the informant and, as a matter of fact, there was partition dispute between the parties.

No doubt, offence of Prevention of witch Practices Act is a very serious offence but application of section 3/4 of the Prevention of witch Practices Act in the present case appears to be doubtful because

there is nothing in the first information report that petitioners were consistently making allegation of witch Craft against the informant.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the above named petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Bhagalpur in Bhagalpur (Mahila) P.S. Case no. 56/2014 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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