

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39778 of 2015

Arising out of PS.Case No. -34 Year- 2015 Thana -TARAPUR District- MUNGER

1. Chandeshwari Yadav @ Chandeshwar Yadav.
2. Parmanand Yadav @ Paro Yadav. Both sons of Devan Yadav.
3. Bibhash Yadav Bibhash @ Dinesh Yadav son of Gorelal Yadav, All resident of Village- Afzal Nagar Khudia, Police Station- Tarapur, District- Munger.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Binay Kumar, Advocate.

For the Opposite Party : Mr. Satyendra Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-10-2015 Heard learned counsel for the petitioners and learned
counsel for the State

The petitioners are apprehending their arrest in connection with Tarapur P.S. Case No. 34 of 2015 for the offences instituted under Sections 341, 323, 307, 504 of the IPC.,and ¾ of the Dain Act.

The prosecution story, in brief, is that on 27.03.2015 at 11.15 A.M. while the informant Kapildeo Yadav was at his home accused Devan Yadav, Gorelal Yadav, Bibhash Yadav, Puro Yadav @ Parmanand and Chandeshwari Yadav came abusing and started saying that his mother was a witch and she had played

witch craft act on his son as a result of which he became mentally imbalanced. It has also been alleged that whenever the informant used to go on his land situated in front of the house of accused petitioner Chandeshwari Yadav, he always used to abuses him, his wife and mother. When the informant made protest against the abuse all the accused persons started mercilessly assaulting him by means of iron rod and Lathis causing injuries on his head as well as on other parts of the body.

Heard learned counsel for the petitioner and learned counsel for the State

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. It is a case and counter case. It is further submitted that the petitioners' side have also sustained injuries in the alleged occurrence but the same has not been explained by the prosecution which casts serious doubt upon them. The petitioners and the informant are the Gotaia.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of four weeks from today in connection with Tarapur P.S. Case

No. 34/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Munger, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)