

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47986 of 2015

Arising Out of PS.Case No. -272 Year- 2015 Thana -BODHGAYA District- GAYA

1. Vijay Yadav son of Late Shiv Yadav,
2. Moan Yadav @ Mahendra Yadav, son of Late Shiv Yadav,
3. Dhananjay Yadav, son of Late Shiv Yadav, Resident of village-
Neutapur, P.S.- Bodh Gaya, District- Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. A.L.Pandit(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-10-2015 Heard learned counsel for the petitioners Mr.
Mahendra Thakur and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bodh Gaya P.S. Case No. 272 of 2015 registered for offences punishable under Sections 302/34 of the Indian Penal Code and 3/4 of the Dyne Act (Prevention of Witch Practices Act).

The prosecution case as narrated by the complainant in short is that on 22.02.2015 at about 3.30 P.M all the accused persons arrived at the house of the complainant and told that from your Nanihal some Bhoot has come, who is harassing them and asked her husband to accompany them. It is further alleged that all the accused persons roped electric wire upon the body of her

husband and heated the electric wire as a result of which he died.

It has been submitted by the counsel for the petitioners that initially a complaint case was filed which was further sent up for investigation. Hence the present case has been instituted. It has further been submitted that although the date of occurrence is 22.02.2015 the Complaint Case no. 289 of 2015 was lodged on 24.06.2015 i.e. after a delay of about four months, which itself speaks about ingenuity of the aforesaid case. It has further been stated that the petitioners have clean antecedent which finds place at Para 3 of the petition. It is only because of village politics that the petitioners have been falsely implicated by the informant. Further more the petitioners submit that they are close relatives and due to some family dispute this allegation has been leveled against the petitioners.

Be that as it may, let the petitioner, namely, Vijay Yadav, Moan Yadav @ Mahendra Yadav and Dhananjay Yadav, in the event of their arrest / surrender within a period of six weeks from today before the Court below, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Gaya P.S. Case No.

272 of 2015 subject to the conditions as laid down under Section
438(2) of the Cr. P.C.

(Nilu Agrawal, J)

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