

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14580 of 2016

Arising Out of PS.Case No. -119 Year- 2015 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Kishori Bhagat Son of Late Parikchan Bhagat, resident of Village-
Machhahan, Police Station- Madhuban, District- East Champaran at
Motihari.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Nityanand Tiwary(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 13-05-2016

Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 147, 149, 341, 323, 324, 307, 379 and
504 of the I.P.C and sections 3 and 4 of the Prevention of Witch
Practices Act.

Allegedly, the petitioner and other co-accused named
in the FIR came, the petitioner with an intention to kill the
husband of the informant gave *Tenguli* blow causing bleeding,
Prem Bhagat and Pradeep Bhagat assaulted Shiv Sah and
Omprakash Sah with iron rod and *lathi* and Jogendra Bhagat and
Prem Bhagat snatched gold chain from Omprakash Sah and
Bachelal Bhagat snatched earring from the informant.

Submission is of false implication and that during

investigation it has come that the occurrence has taken place due to quarrel between the children, there is no allegation that the petitioner repeated blow and as such the offence under section 307 of the I.P.C. is not made out, during supervision the offence under sections 3 and 4 of the Prevention of Witch Practices Act has not been found true and the petitioner is suffering in custody since 08.02.2016, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Rajeev Kumar-IV, J.M. 1st Class, Sadar at Motihar, East Champaran in Madhuban P.S. Case No. 119 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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