

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.56310 of 2015**

Arising Out of PS.Case No. -249 Year- 2015 Thana -FALKA District- KATIHAR

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1. Barku Murmu
  2. Gango Murmu
  3. Bhotani Murmu All sons of Late Lakhan Murmu
  4. Talu Murmu @ Themka Murmu
  5. Sant Lal Murmu @ Jikwa Murmu Both sons of Barku Murmu All residents of village - Mohammad Nagar, Kauwa Kol, Santhali Tola, P.S. - Falka, District - Katihar.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Ashok Kumar(App)

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

4      17-02-2016                      Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 342, 448, 324, 302 and 201/34 of the I.P.C and section 34 of the Prevention of Witch Practice (Dayan) Act.

Allegedly, making allegation that Sangita Devi, the wife of the informant, is Dayan all the petitioners dragged Sangita Devi from her house and after assaulting with Lathi and Danda killed her. When the informant tried to rescue her he was also assaulted and further the petitioner Sant Lal Murmu @ Jikwa

Murmu and Talu Murmu took away the dead body after keeping the same in a gunny bag.

Submission is of false implication and that the petitioners have been made accused only due to Pattidari dispute, there is no injury report of the informant in the case diary and as such presence of the informant appears doubtful, the other witnesses are hear-say witnesses, the dead body was recovered on 13.10.2015 which was not in a position to be identified, against the petitioners there is general and omnibus allegation and as such they deserve sympathetic consideration, to which the learned A.P.P. seriously opposes by submitting that all the petitioners brutally assaulted the wife of the informant and killed her and further hide the dead body after keeping the same in a gunny bag which was recovered later on.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioners, serious in nature, at this stage this Court is not inclined to enlarge the petitioners on bail and accordingly their such prayer stands rejected in connection with Falka P.S. Case No. 249 of 2015 pending in the court of C.J.M. Katihar.

**(Jitendra Mohan Sharma, J)**

Abhay/-

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