

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22681 of 2016

Arising Out of PS.Case No. -394 Year- 2015 Thana -ARA MUFFSIL District- BHOJPUR

1. Gopal Yadav Son of Ram Nath Yadav,
2. Wakil Yadav, son of Gopal Yadav, Both Residents of Village- Duroudha,
P.S.- Ara, Muffasil, District- Ara.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 26-07-2016

Heard the learned counsel for the petitioners, the learned Additional Public Prosecutor and Mr. Manoj Kumar, the learned counsel for the informant.

The petitioners apprehend their arrest in Ara Muffasil P.S. case No. 394 of 2015 under Section 302 and other sections of the Indian Penal Code and under section 3/4 of Prevention of Witch Practices Act.

The informant named nine persons and alleged that all the accused persons came and abused the informant and his family members and when mother of informant came petitioner No.1, Gopal Yadav, rushed and abused his mother by calling her witch. On the order of Ram Nath Yadav, petitioner No.1 assaulted

the mother of informant with iron rod on her head and thereafter his mother fell down and died on the spot. It is further alleged that Gita Devi, Rina Devi and wife of Lakshman Yadav also assaulted the mother of informant with Lathi.

The learned counsel for the petitioner submits that there is no specific allegation against petitioner No.2, Wakil Yadav, and he is simply a member of mob and no overt act has been alleged against him.

Mr. Manoj Kumar, the learned counsel for the informant, submits that there is specific allegation against petitioner No.1, Gopal Yadav, but no specific allegation of assault is made against petitioner No.2, Wakil Yadav.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner No.1, Gopal Yadav, on anticipatory bail. Accordingly, the same is rejected.

Wakil Yadav, petitioner No.2, is of course named in the FIR but no overt act is alleged against him.

Considering the facts aforesaid and the nature of allegations made against the petitioner No.2, Wakil Yadav, the petitioner No.2, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be

enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur, Ara in Ara Muffasil P.S. Case No. 394 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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