

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12606 of 2016

Arising Out of PS.Case No. -4 Year- 2016 Thana -GURUA District- GAYA

- =====
1. Satendra Das S/o Shaligram Das
 2. Navendu Yadav S/o Rampati Yadav
 3. Nanhu Yadav S/o Sidheshwar Yadav
 4. Govind Yadav S/o Arjun Yadav
 5. Brahamdeo Yadav S/o Harakh Yadav
 6. Umesh Yadav S/o Inderdeo Yadav null
 7. Raj Ballabh Yadav S/o Ram Kishun Yadav
- All are resident of Village- Pirwan, P.S.- Gurua, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar

For the Opposite Party/s : Mr. Ram Shankar Das(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 17-03-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 324, 326, 504, 506 of the Indian Penal Code, section 3/4 of The Prevention of Witch Practices Act and section 3(1)(iii)(x)(xv) of SC/ST (Prevention of Atrocities) Act.

The prosecution case is that the son of one Upendra Yadav aged about 2 ½ years died when the accused



persons were under impression that due to the witch craft practiced by the informant the son of Upendra Yadav died when the FIR named accused persons including the petitioners held a Panchayat and awarded three punishments to the informant, namely, to shave the hair of informant and to move in the village after getting him seated over a she-buffalo; own son of the informant was directed to assault him with danda five times and to pay fine of rupees ten thousand. Subsequently, Shyamdeo Yadav shaved the hair of the informant and wife of Bigan Yadav smeared the face of the informant.

It is submitted by learned counsel for the petitioners that only accusation against the petitioners that they were members of the Panchayat and they did not inflict any punishment to the informant. There is nothing on the record to suggest that the petitioners were participated in the Panchayat. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

The aforesaid facts constitute ground for consideration of prayer for regular bail, if the petitioners surrender before the learned court below within a period of six weeks from today in connection with Gurua P.S. Case No. 04 of 2016 pending in the court of learned Judicial Magistrate, Ist

Class, Sherghati, District – Gaya.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--