

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.6429 of 2016**

Arising Out of PS.Case No. -53 Year- 2015 Thana -MAHESHKHUNT District- KHAGARIA

- =====
1. Birbal Yadav
  2. Mithilesh Yadav both are sons of Saheb Yadav resident of village - Pakrail, Sirniya Tola, P.S. Mahesh Khunt, District - Khagaria.

.... .... Petitioner/s

Versus

1. The State of Bihar.

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

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**Appearance :**

For the Petitioner/s : Mr. Bishweshwar Ram, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2 11-02-2016

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 448, 323, 307 of the Indian Penal Code and 3/4 of the Prevention of witch Practices Act.

The prosecution case is that the petitioners came to the house of the informant variously armed, petitioner no.1 Birbal Yadav abused the informant addressed her as witch and all the accused persons assaulted with lathi and danda. On alarm being raised, daughter of the informant came then co-accused Fuleshwary chased and assaulted her, then she ran into her house and informed her father. When the husband of the informant came to

rescue, the accused persons escaped from the scene. It is further alleged that co-accused Umesh Yadav took away mangalsutra of the informant.

It is submitted by the learned counsel for the petitioners that accusation of assault is omnibus and general. For the occurrence of 12.04.2015 the First Information Report was registered on 16.04.2015. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent. From the accusation levelled in the First Information Report does not reflect that any person received any injury.

Considering the delayed lodging of the case, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Maheshkhunt P.S. Case No. 53 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Dinesh Kumar Singh, J)**

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