

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12391 of 2017

Arising Out of PS.Case No. -255 Year- 2016 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

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1. Jhunnu Sah , Son of Gopichand Sah,
2. Sunil Sah, Son of Gopichand Sah,
3. Sima Devi, Wife of Sunil Sah,
4. Ranju Devi D/o Gopichand Sah,
5. Sudhir Sah Son of Gopichand Sah, All are Resident of Village- Saraiya,
Police Station- Bairiya, District- West Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 23-03-2017

Heard learned counsel for the petitioners.

The petitioners are apprehending their arrest in connection with Bairiya P.S. Case No. 255 of 2016 registered for the offences punishable under Sections 147, 149, 447, 341, 323, 308 of the Indian Penal Code and 3/4 of Prevention of Witch (Daain) Practices Act, 1999.

It has been submitted on behalf of the petitioners that as per FIR no offence under Section 308 IPC is made out and Sections 3/4 of Prevention of Witch (Daain) Practices Act are concerned, police has not submitted charge-sheet finding case not true against the petitioners and final form has been submitted but learned Magistrate differing with the view of the I.O. has taken



cognizance for the offences against the petitioners.

Heard learned APP also.

Having heard both sides and in view of the facts stated above, let the petitioners, above named, in the event of their arrest or surrender in the court below within a period of two weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, West Champaran, Bettiah, in connection with Bairiya P.S. Case No.255 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further subject to the conditions that petitioners shall co-operate in the investigation and make themselves available before the police as and when required and in the event of failure on their part to appear before the police on two consecutive dates, the prosecution shall be free to move for cancellation of their bail bonds and further petitioners will not induce any witness or tamper with the evidence.

(Vinod Kumar Sinha, J)

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