

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.18434 of 2017**

Arising Out of PS.Case No. -11 Year- 2017 Thana -AMBA District- AURANGABAD

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1. Aryan Kumar,
  2. Ashok Kumar Prajapat @ Ashok Kumar @ Ashok Kumar Prajapati, both sons of Satendra Prajapat
  3. Satyendra Prajapat @ Satendra Prajapati, son of late Baijnath Prajapat,
  4. Rajendra Prajapat @ Rajendra Prajapati, son of late Baijnath Prajapat,
  5. Basant Prajapat @ Basant Prajapati,
  6. Suresh Prajapat @ Suresh Prajapati, both sons of late Ramkrti Prajapat,
  7. Uma Shankar Prajapat @ Uma Shankar Prajapati @ Umashankar Kumar, son of Ram Prasad Prajapati,
  8. Yogendra Prajapat @ Yogendra Prajapati, son of Bilash Prajapat,
  9. Sheo Kumar Prajapat @ Sheo Kumar Parajapati @ Sheo Kumar, son of late Mahendra Prajapat,
  10. Gorakh Mistry, son of late Musafir Mistri,
  11. Kauleshwar Prajapat @ Kauleshwar Prajapati, son of late Lakshuman Prajapt,
  12. Ram Prasad Prajapat @ Ram Prasad Prajapati, son of Lakshuman Prajapat, all R/o Village- Narhar Amba Tole Kumhar Bigha, P.O. Chandaut Dongra, P.S.-Amba, District Aurangabad, Bihar.

.... .... Petitioner/s

Versus

1. The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate  
For the Opposite Party/s : Smt. Sharda Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3/ 28-06-2017

Learned counsel for the petitioners submits that petitioner no.8, Yogendra Prajapati, has already been arrested and seeks permission to withdraw the application in so far as it relates to petitioner No.8-Yogendra Prajapati.

Accordingly, this application is dismissed as withdraw in so far as it relates to petitioner no.8-Yogendra Prajapati.



Heard learned counsel for rest of the Petitioners and the State.

The Petitioners apprehend their arrest in Amba P.S. Case No.11 of 2017 instituted for the offence under Section(s) 147, 148, 149, 341, 307, 377, 504 Indian Penal Code and Section 34 of the Prevention of Witch Craft Practices Act.

There is case and counter case. Earlier, *fard-e-bayan* was lodged by Basant Prajapti (petitioner No.5) for assault done by the member of the prosecution party in which Sitaram Prajapati, brother of the informant died.

In the instant case, from the written report, it appears that there is general and omnibus allegation against all these petitioners of assaulting the prosecution party and causing injuries to four persons.

Case diary has been received. Counsel for the State has submitted that there are injuries on four persons out of whom Krishna Prajapati sustained grievous injury, but in the entire case there is no specific allegation against any of the petitioners except general and omnibus.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail **except petitioner No.8, Yogendra Prajapat @ Yogendra Prajapati**, is allowed. In



the event of surrender/arrest of the petitioners, named above, **except petitioner No.8, Yogendra Prajapat @ Yogendra Prajapati**, within six weeks from today in connection with Amba P.S. Case No.11 of 2017, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

**(Sanjay Priya, J)**

**JA/-**

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