

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61332 of 2017

Arising Out of PS. Case No.-1962 Year-2015 Thana- COMPLAINT CASE District- Jamui

Binod Yadav, S/o- Toril Yadav, R/o- Village- Khuripras, P.S.- Jhajha, District- Jamui.

... .. Petitioner

Versus

1. The State of Bihar.
2. Kusma Devi, W/o- Mahendra Yadav, R/o- Village- Khuripras P.S.- Jhajha, District- Jamui.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-12-2017 Heard learned counsels for the petitioners and State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 147, 323, 380, 452, 504 and 506 of the IPC.

The prosecution case got initiated with the filing of the complaint case alleging therein that on 02.12.2015 at 7 PM, the complainant was sitting in her house, in the meantime, the accused persons came and abused the informant addressing her as a witch (dian), thereafter, the informant came out from her house and forbade them from abusing her. In the meantime, the petitioner, Binod Yadav ordered to kill the informant, since she has played witch craft on his minor son, as a result of which, he



has fallen ill, since long. Thereafter, the informant went inside the house, after which several people entered into the house and assaulted her with fists, slaps and slippers and the petitioner snatched silver chain of the informant and when the daughter-in-law of the informant came to her rescue, then she was also abused and assaulted, while co-accused Ashok Yadav snatched her silver chain. Thereafter, the accused persons robbed several articles worth Rs. 16,000/- from the house of the informant. Thereafter, the accused persons blackened the face of the informant and dragged her to be immolated.

It is submitted by learned counsel for the petitioner that since the informant was fined in the local panchayati, hence, malicious case has been lodged. In fact the informant did not receive any injury and other accused persons have already been granted bail by the learned court below. The petitioner and the complainant are the agnates. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Considering the nature of accusation, when neither the impugned order nor the complaint petition and S.A. of the complainant suggest any substantial injury to the complainant or her daughter in law, let the above named petitioner be released



on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jamui in connection with Complaint Case No. 1962C of 2015, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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