

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2707 of 2017

Arising Out of PS.Case No. -250 Year- 2016 Thana -MAJORGANJ District- SITAMARHI

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1. Bijay Ram, son of Makhkhan Ram,
 2. Bilash Ram, son of Makhkhan Ram,
 3. Sarbati Devi, W/o Bilash Ram,
 4. Chandrakala Devi, Wife of Vijay Ram,
 5. Basanti Devi, wife of Jagdish Ram, All resident of Village- Pachaharwa,
P.S.- Majorganj, District- Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Mahendra Thakur, Advocate
Mr. Sanjay Kumar, Advocate

For the Opposite Party : Mr. Madhura Nand Jha (APP-102)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

- 2 31-01-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners apprehend their arrest in connection with Majorganj P.S. Case No. 250 of 2016, registered for the offences punishable under Sections 143, 341, 323, 504, 506 of the Indian Penal Code and Section 3/4 Witch (Dain) Prohibition Act.

Allegedly, the petitioners and other co-accused named in the F.I.R. came at the door of the informant Sikiliya Devi , caught and assaulted her and tried to administer latrine in her mouth, on hulla nearby persons came there and saved her. The accused persons were saying her that she is witch practitioner and



she has killed Kabindra Ram .

Submission is of false implication and that petitioner nos. 3, 4 and 5 are pardanasin ladies, during investigation not a single independent witness has supported the prosecution story. All other sections of Indian Penal Code are bailable, except section 3/4 of the Prevention of Witch (Daain) Practices Act, 1999 and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering the gender **of petitioner no. 3, 4 and 5 in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail 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, Sitamarhi, in connection with Majorganj P.S. Case No. 250 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

But, considering the allegation against the **petitioner no. 1 and 2, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected.**

However, in case and if so advised the petitioners



surrender and seek regular bail then their prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

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