

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59845 of 2018

Arising Out of PS. Case No.-49 Year-2015 Thana- SRINAGAR District- West Champaran

1. Rajdeo Mukhiya, S/o Late Dukhi Mukhiya,
2. Nandlal Mukhiya S/o Late Dukhi Mukhiya,
3. Geeta Devi W/o Rajdeo Mukhiya, All Residents of Vill.- Masan Dhaba, P.S.- Srinagar Pujaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Smt. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-12-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 302/34 of the Indian Penal Code and $\frac{3}{4}$ of the Witchcraft Practices Prohibition Act, 1999.

The prosecution case, in short, is that on 1.6.2015 at about 7 a.m. the accused persons including the petitioners came to the door of the informant and started assaulting his wife Radhika Devi indiscriminately by means of lathil levelling allegation that she was practicing witchcraft, due to which she became seriously injured at head, shoulder and neck. She was taken to the Hospital and during course of treatment she succumbed to the injuries.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of



tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. In course of trial of other co-accused, the informant has already retracted from his earlier statement made in the F.I.R. As per the said statement of the informant, the death is said to have taken place due to accidental fall of the deceased. Other co-accused of this case has already been acquitted by the trial court.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri W.A. Khan, learned Judicial Magistrate, 1st class, Bettiah, West Champaran in connection with Srinagar Pujaha P.S. case No.49 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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