

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66413 of 2018

Arising Out of PS. Case No.-37 Year-2015 Thana- KASMA District- Aurangabad

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1. Surya Deo Yadav
 2. Dharam Deo Yadav
Both are the sons of Sukhari Yadav
 3. Surendra Yadav @ Sulendra Yadav
 4. Birendra Yadav @ Bilendra Yadav @ Birendra Kumar Yadav
 5. Upendra Yadav
All are the sons of Dharamdeo Yadav, all are the resident of
Village-Masaundha,P.S. Kasma, Distt.-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. J.K. Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 14-12-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Kasma P.S. Case No.37 of 2015 registered for the offence
punishable under Sections 341, 323, 448, 379, 504, 506 read
with 34 of the Indian Penal Code and Sections 3 and 4 of the
Prevention of Witch (Daain) Practices Act, 1999.

It is submitted by the learned counsel for the
petitioners that the allegation against the petitioners that they
caught hold of son of the informant and told him that his mother
is a witch and father is ojha is false. It is further contended that
no physical or mental torture was committed by the petitioners



either upon the informant or any of his family members, but a false case has been instituted by the informant owing to some dispute of trivial nature.

Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioners.

Considering the nature of allegation and plea taken by the petitioners that they are men of clean antecedent, in the event of arrest or surrender in the court below within a period of six weeks, they are directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Kasma P.S. Case No.37 of 2015 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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