

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6978 of 2019

Arising Out of PS. Case No.-46 Year-2018 Thana- SIMRA District- Aurangabad

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1. Mangaldeo Mistry, aged about 65 years (male) Son of Late Nathuni Mistry
 2. Sheodutt Mistry, aged about 27 years (male), Son of Mangaldeo Mistry
 3. Pankaj Mistry, aged about 25 years (male), Son of Mangaldeo Mistry,
Resident of Village – Bahadurpur, P.S.-Simra, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-02-2019 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 304/34 of the IPC and Sections 3/4 of the Prevention of Witch (Daain) Practices Act.

The prosecution case, as per the fardbeyan of Ajay Sharma, recorded by S.I., Balindra Singh, on 23.11.2018 at Referral Hospital, Kutumba is to the effect that all the accused persons including the petitioner used to abuse and assault the father of the informant since they believed that the father of the informant practices witch craft. It is alleged that on the same day, the father of the informant went near the canal, situated at



Bahadurpur Village to ease out, when co-accused, Karmdev Mistri and Musafir Mistri assaulted the father of the informant with farsa, axe, lathi and danda. Subsequently, the father of the informant, with the help of villagers, was taken to the referral hospital, where he was declared dead.

It is submitted by learned counsel for the petitioner that admittedly, the informant is not the eye-witness to the occurrence and only on the basis of suspicion, the accusation has been levelled against the petitioners. The accusation against the petitioner is omnibus and general. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the accusation based on suspicion and the fact that from the impugned order it does not appear that any direct evidence has been collected during investigation suggesting the involvement of the petitioner, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners 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) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Simra P.S. Case No. 46 of 2018, 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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