

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22262 of 2019

Arising Out of PS. Case No.-385 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Ramotar Yadav, aged about 45 years, Male, Son of Mangar Yadav, Resident of Village Hardiya Dag Tola, Hemadih, Police Station Mohanpur, District Gaya.
 2. Naresh Yadav, aged about 35 years, Male, Son of Mangar Yadav, Resident of Village Hardiya Dag Tola, Hemadih, Police Station Mohanpur, District Gaya.
 3. Dewan Yadav @ Dewanandan Yadav @ Deonandan Prasad, aged about 40 years, Male, Son of Mangar Yadav, Resident of Village Hardiya Dag Tola, Hemadih, Police Station Mohanpur, District Gaya.
 4. Kaushalya Devi, aged about 44 years, Female, Wife of Ramotar Yadav, Resident of Village Hardiya Dag Tola, Hemadih, Police Station Mohanpur, District Gaya.
 5. Uday Rajak, aged about 32 years, Male, Son of Chando Rajak, Resident of Village Ambatari, Police Station- Mohanpur, District Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Phulwa Devi, W/o Bhuneshwar Yadav, R/o Hariya Dag Tola, Tulsi Dih, P.S.- Mohanpur, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav
For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-04-2019 Learned counsel for the petitioners is permitted to make correction in para 1 and prayer portion of the bail petition with regard to the Act of the alleged offence during the course of the day.

Heard both sides.

Petitioners apprehend their arrest in Complaint Case No.385 of 2017, registered under Sections 147, 341, 323, 504 and 354 of the Indian Penal Code as well as under Sections 3 and 4 of the Prevention of Witch Craft Act.



The complainant named the petitioners and alleged that all the petitioners on the order of Ramotar Yadav, petitioner no.1, made her naked and forced her to dance before *Ojha* (a person who practices witch craft) making allegation that she is a witch.

Learned counsel for the petitioners submits that the complainant is the next door neighbour of the petitioners. On account of land dispute, this false case has been lodged but it appears that no paper showing any land dispute is filed. The complainant is a lady and the contents of the complaint petition show that the petitioners alleging the complainant to be a witch made her naked and forced her to dance.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

If the petitioners surrender in the court below, the court below shall consider the prayer for regular bail of the petitioners on its own merit without being prejudiced from the order of this Court.

(Prabhat Kumar Jha, J)

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