

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17624 of 2019

Arising Out of PS. Case No.-248 Year-2017 Thana- SAHPUR District- Bhojpur

1. SAGENDRA YADAV 2. Hirdaya Yadav Both are Sons of Gaya Yadav 3. Ramesh Yadav, Son of Sagendra Yadav 4. Sanju Kumari, Daughter of Sagendra Yadav All are Residents of Village/Mohalla-Birpur, P.S-Shahpur, District-Bhojpur.	...	...	Petitioner/s
Versus			
The State of Bihar	...	...	Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad, Senior Advocate Mr. Pramod Kumar
For the State	:	Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 26-03-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Shahpur Police Station Case No. 248 of 2017, disclosing offences under Sections 341/323/324/34 of the Indian Penal Code and Sections 3/4 of the Prevention of Witch Practices Act.

The allegation in the First Information Report is that the accused persons identified the informant as ‘Dian’ and assaulted her on the allegation that she was responsible for the death of the daughter of one of the accused persons.

On perusal of the First Information Report, I am of the tentative view that no offence under Sections 324 of the Indian Penal Code is made out. Sections 323 and 341 of the



Indian Penal Code are balliable. Offence under Sections 3 and 4 of the Prevention of Witch Practices Act, 1979, are punishable for a term which may extend to three months and six months respectively.

Considering the nature of allegation as alleged in the First Information Report, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara, in connection with Shahpur Police Station Case No. 248 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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