

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78575 of 2018

Arising Out of PS. Case No.-540 Year-2017 Thana- WAJIRGANJ District- Gaya

Sri Akhilesh Prasad s/o Bhondu Mahato Resident of Jamuawan, P.S.-
Wazirganj, Dist- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh

For the Opposite Party/s : Mr.Md. Arif

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 23-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Wazirganj P.S. Case No. 540 of 2017** registered for the offence punishable under Sections 341, 323, 324, 307, 504, 302 and 34 of the Indian Penal Code and under Section 3/4 of the Prevention of Witch Craft Act.

Earlier petitioner has filed bail petition for grant of bail which was rejected vide Annexure-1

Informant has stated in his fardbeyan that the family members of his elder uncle use to tease her mother and call her *dayaan* and also abuse her. On 02.12.2017 at about 7.30 A.M. his mother was feeding the cattle then FIR named accused including the petitioner variously armed with *Lathi*, *Danda* and *iron rod*, came and started abusing and assaulting her mother and when his deceased father went to pacify the matter he was



assaulted by all the FIR named accused by *Lathi* as result of which he and his father sustained head injury and his father was taken to hospital where he died on the same day.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to land dispute. The occurrence is of 02.12.2017 and the FIR has been instituted on 13.12.2017. Similarly, situated co-accused person has been granted bail by a co-ordinate bench of this Court vide order dated 20.09.2018 in Criminal Miscellaneous No. 57738 of 2018. There is no specific allegation of overt act against the petitioner rather the allegations are general and omnibus in nature against all FIR named accused. Petitioner has got no criminal antecedent and is in custody since 13.06.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate-1st, Gaya**, in connection with **Wazirganj P.S. Case No. 540 of 2017**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial



and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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