

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78357 of 2018

Arising Out of PS. Case No.-67 Year-2018 Thana- MIRGANJ District- Purnia

1. Mangal Murmu, Son of Sangram Murmu
2. Ajay Murmu Son of Mangal Murmu
3. Savita Kishku Wife of Ajay Murmu All R/o Village-Bansbitta Damaily,P.S. Mirganj,Distt.-Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv.
		Mr. Dr. Bidhu Ranjan, Adv.
For the Opposite Party/s	:	Mr. Uday Chand Prasad. A.P.P.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 07-03-2019 Heard learned counsel for the parties.

Petitioners seek bail in **Mirganj P.S. Case No. 67 of 2018** registered for the offence punishable under Sections 341, 342, 323, 302 and 34 of the Indian Penal Code and under Section 3/4 of the witch practices Act.

Informant has alleged that on 19.06.2018 in the night at about 8;00 P.M. petitioners along with 10-12 unknown persons came to her house and forcibly took her mother near the dead body of her uncle Ramu Murmu and they alleged that she is a witch and she killed her uncle and told her mother to get her uncle alive and thereafter assaulted her mother as a result of which she became unconscious. When informant along with her



sister and father went to rescue her mother they have also assaulted them and when she brought her mother to the hospital, she was declared dead by the doctor.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case. There is no specific allegation of assault against the petitioners. There is general and omnibus allegation against all the accused person including petitioners. Petitioners have got no criminal antecedent and are in custody since 22.06.2018.

Considering the allegation against petitioners, I am not inclined to enlarge the petitioners on bail at this stage. Hence, the prayer for bail of the petitioners is hereby rejected.

However, it is observed that the **petitioner no. 1 (Mangal Murmu) and petitioner no.2 (Ajay Murmu)** be released on bail **after completing one year of jail custody by the court below** upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned **C.J.M., Purnea**, in connection with **Mirganj P.S. Case No. 67 of 2018**, with following conditions:-

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

(2) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(3) If the petitioners tamper 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 petitioners.

So far as, **petitioner no.3 (Savita Kishku)** is concerned, she has already been granted regular bail by this Court vide order dated **29.01.2019** passed in **Cr. Misc. No. 78357 of 2018.**

(S. Kumar, J)

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