

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53171 of 2019

Arising Out of PS. Case No.-265 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Deo Kant Yadav, Aged about 24 years, Male, S/o Rameshwar Yadav, R/o village- Dhanga (West), P.S.- Arer, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi, Aged about 20 years, Female, D/o Mishri Yadav, R/o village- Dhanga (West), P.S.- Arer, District- Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Opposite Party/s : Mr.Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 27-08-2019 Heard both sides.

Petitioner apprehends his arrest in C.R. Case No.265 of 2018 for the offences allegedly committed by the petitioner under Sections 323, 341, 379, 354B, 504 and 506 of the Indian Penal Code.

The complainant alleged that while she was going to offer milk to *Brahm Asthan*, the petitioner caught her chest from back and torn her blouse after putting her down on the ground. On alarm other accused persons also came and abused and assaulted her.

Learned counsel for the petitioner submits that the complainant alleged that the occurrence took place on



07.06.2018 but the complaint petition was filed on 18.07.2018. The complainant is daughter of Mishri Yadav. The petitioner earlier filed C.R. Case No.222 of 2018 against Mishri Yadav and others. The complainant is wife of Lakshman Yadav and Lakshman Yadav is son-in-law of Mishri Yadav. On 07.06.2018, Mishri Yadav came to the house of the petitioner alleging that the sister-in-law of the petitioner is a witch and she practised witch craft on his son-in-law, Lakshman Yadav, the husband of the present complainant. Even the petitioner filed complaint case for assault against Mishri Yadav and Lakshman Yadav. The complainant filed the present case making false and frivolous allegation after 11 days of the occurrence.

Taking into consideration the facts that prior to institution of the present complaint case by the complainant, the petitioner also filed complaint case making allegation against the complainant and her family members including her father and husband that they all made allegation against the sister-in-law of the petitioner that she is a witch and she had practised witch craft on the husband of the complainant and assaulted her and other family members, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be



enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Benipatti, Madhubani in connection with C.R. Case No.265 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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