

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21479 of 2020

Arising Out of PS. Case No.-23 Year-2019 Thana- NAUGACHHIYA RAIL P.S. District-
Khagaria

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PAPPU YADAV Son of Amik Yadav @ Ambika Yadav Resident of Village-
Bhawanpura, P.S.- Kharik, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Choudhary, Adv.
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 05-10-2020 Heard both sides through Video Conferencing.

Petitioner seeks bail in Naugachia Rail P.S. Case
No.23 of 2019 registered under Sections 302 and 34 of the IPC
and under Section 27 of the Arms Act as well as under Sections
3 and 4 of the Witchcraft Act.

The informant alleged that on 25.06.2019 his mother
was walking on the platform. The informant heard a sound of
firing. The informant went out from his house and he saw
people running hither and thither. On hulla, the informant came
to know that a woman was killed. When the informant reached
there, he saw that his mother was lying on the platform. It is
further alleged that two years ago Pappu Yadav (petitioner) had
made allegation that the mother of the informant was a “Dian”



(witch) but the case was compromised before the panchayat.

Learned counsel for the petitioner submits that the petitioner is of course named in the F.I.R. but the informant is not an eye witness of the occurrence. The name of the petitioner surfaced in the case on mere suspicion. The statement of the father of the informant was recorded in para 40 of the case-diary. The father of the informant alleged that the petitioner was found fleeing away from the place of occurrence. Other witnesses have also supported the case of prosecution in para 41 and 44 of the case-diary. It is further alleged that the mobile tower location of Saurabh Suman was found near the place of occurrence at the time of occurrence but nothing has been collected against the petitioner. The petitioner has got criminal antecedent. The petitioner is in jail since 18.03.2020.

Learned A.P.P. opposed the prayer for bail and submitted that the petitioner has got criminal antecedents and the petitioner was apprehended in this case only after firing. There is specific allegation against the petitioner that the petitioner was found fleeing away from the place of occurrence at the time of occurrence. The criminal antecedent of the petitioner has been mentioned in para 58 of the case-diary.

Perused the F.I.R. and the case-diary. The informant



named the petitioner and two other accused persons and alleged that he heard a sound of firing. People started fleeing away hither and thither and they disclosed that a woman was shot dead. The informant went there and found firearm injury on different parts of the body of his mother lying on the platform. The informant disclosed that the petitioner earlier threatened his mother to kill. The petitioner had made allegation that the deceased was a witch. During course of investigation, the witnesses have also supported the case of prosecution and disclosed that immediately after the occurrence, the petitioner was found fleeing away from the place of occurrence along with two other accused persons at the time of occurrence.

Taking into consideration the fact that the petitioner has got criminal antecedent, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within one year from the date of receipt of this order. If the trial is not concluded within one year from the date of receipt of this order, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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