

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2368 of 2022

Arising Out of PS. Case No.-302 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Balveer Prasad Singh @ Balveer Singh S/o Balram Singh @ Kapildeo Singh
R/o village- Chapta Nijirpur, P.S.- Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Samastipur (M) P.S. Case No. 302 of 2021 registered under
Sections 302 and 34 of the Indian Penal Code read with
Sections 4, 5 and 6 of the Prevention of Witch Practices (Dian)
Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 13.07.2021, is a person with clean
antecedent, charge-sheet has been submitted in the case and the
informant alleges that the accused persons including the
petitioner came to the house of the informant looking for his
mother with an intention to kill on the pretext that she is a witch,
further they saw the deceased at the tea shop where on orders of



Munni Devi petitioner and Balram Singh thrashed her brutally killing her as Munni Devi said that deceased has killed her son.

The learned counsel submits that the petitioner has been falsely implicated in the present case by the informant, it is submitted that Munni Devi is wife of the present petitioner and the son of the petitioner aged about 2 ½ years was killed for which Muffasil (Samastipur) P.S. Case No. 303 of 2021 was instituted by the petitioner herein against the present informant and the deceased of the present case along with others. It is next submitted that the informant of the present case in order to falsely implicate the petitioner has instituted the instant F.I.R. It is next submitted that no father or mother whose 2 ½ years son has been killed would go and commit the occurrence leaving the dead body of his child at present. It is next submitted that it appears that the informant is even not an eye witness to the occurrence as he alleges that the petitioner along with Balram Singh assaulted his mother on the road leading to her death but the F.I.R. is completely silent that how the deceased was assaulted nor in the F.I.R. it is alleged that she was assaulted by any hard and blunt substance but the postmortem report records that the death was caused on account of assault by hard and blunt substance.



The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 13.07.2021, is a person with clean antecedent and charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Samastipur (M) P.S. Case No. 302 of 2021.

(Satyavrat Verma, J)

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