

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10141 of 2022

Arising Out of PS. Case No.-461 Year-2021 Thana- MOHANPUR District- Gaya

SARAJU KUMAR Son of Sahdeo Yadav Resident of Village - Dema Tola
Bulachak, P.s.- Mohanpur, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 307, 342, 504, 506/34 of the Indian Penal Code and
Sections 3 and 4 of the Prevention of Witch (Daain) Practices
Act, 2001.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that all the five named accused
persons including the petitioner used to abuse the daughter-in-
law of the informant by addressing her as daain. On 05.08.2021,
at about 7:00 p.m., co-accused Sahdev Yadav came in drunken



condition and started abusing the daughter-in-law of the informant by addressing her as a witch on which the elder son of the informant objected on which Sahdev Yadav assaulted Rajesh Kumar (son of the informant) with an iron rod on his head causing injury and he became unconscious. Thereafter, Pintu Kumar assaulted the daughter-in-law of the informant with iron rod due to which she sustained injury on her head and petitioner assaulted one Siddheshwar Yadav with lathi and fractured his hand. Thereafter, Sahdev Yadav assaulted one Santosh Kumar with iron rod due to which he sustained injury on his head. Thereafter, Savita Devi and Juli Devi took away gold jewellery of the daughter-in-law of the informant.

Learned counsel for the petitioner submits that though the informant in the FIR has not disclosed clearly that petitioner is her grandson but from the genealogy as given it would manifest that petitioner is the grandson of the informant and there is a family dispute based on which the present false case came to be instituted. He further submits that as far as petitioner is concerned, he is alleged to have assaulted Siddheshwar Yadav with lathi causing fracture on his hand which is on non-vital part of the body and the injury is simple.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds 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 Barachatti P.S. Case No. 461 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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