

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25405 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- SHERGHATI District- Gaya

1. SUJIT DAS @ SUJIT KUMAR S/o Late Krishna Das R/o village- Nimiyatand, P.S.- Dobhi, District- Gaya
2. DILIP DAS @ DILIP RAVIDAS S/o Manu Das R/o village- Nimiyatand, P.S.- Dobhi, District- Gaya
3. LAVKUSH KUMAR DAS @ LAVKUSH KUMAR S/o Jitu Das R/o village- Katudag, Tola- Nimiyatand, P.S.- Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 342, 325, 307, 379, 504 and 34 of the Indian Penal Code read with Sections ¾ of the Witchcraft Act.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 02.01.2022 at about 10:30 am when he was at his house, the accused persons, including the petitioners, came and started abusing his mother Radha Devi by addressing her as a



witch to which the informant protested, thereafter it is alleged that they started assaulting him with *lathi-danda* and iron rod and on alarm, Brij Nandan Das, Shiv Balak Das and Kuleshwar Das came to save the informant but they were also assaulted, Shankar assaulted informant with *khanti* causing injury on his head, Sujeet Das assaulted Shiv Balak causing fracture of his left hand and Chhotu assaulted by an iron rod on the head of Brij Nandan Das causing injury.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that there is no specific allegation against petitioner nos. 2 and 3 though allegation against petitioner no.1, Sujeet Das is of assaulting Shiv Balak who sustained grievous injury.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 2 and 3 in the event of their 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) each 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 Sherghati P.S. Case No. 10 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

As far as prayer for anticipatory bail of petitioner no.1 is concerned, the Court is not inclined to extend the privilege of anticipatory bail to him. His prayer for anticipatory bail is thus refused.

(Satyavrat Verma, J)

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