

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37277 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- CHARPOKHARI District- Bhojpur

Shankar Kumar @ Shankar Singh @ Shankar Kumar Singh Son of Ramadhar Singh Resident of village- Mishraulia, Police Station- Charpokhari, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 12-10-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Charpokhari P.S. Case No. 33 of 2022 lodged under Sections 341, 323, 307, 302, 34 of the I.P.C. read with Sections 3/4 of the Prevention of Witch Practices Act.

As per the prosecution case, the allegation against the present petitioner is to assault the informant's mother on her head who was subsequently died during treatment.

Learned counsel for the petitioner submits that the informant and the petitioner both sides are the agnates and

coparceners. He submits that there is land dispute between them and for the said date and place, there were 2 criminal cases filed, the present case that is Charpokhari P.S. Case No. 33 of 2022 was filed by the informant's side whereas the petitioner's side also filed case that is Charpokhari P.S. Case No. 34 of 2022. He submits that the injury took place from both the sides and persons from both the sides became injured.

He further submits that petitioner is in custody since 26.02.2022 having clean antecedent and ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the specific allegation against the present petitioner is to assault by iron rod on the head of the deceased on the ground that she was doing Witch Craft.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at

Ara in connection with Charpokhari P.S. Case No. 33 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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