

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49039 of 2021**

Arising Out of PS. Case No.-324 Year-2020 Thana- KORHA District- Katihar

1. Bhikhari Rishi, Son of Jhagan Rishi
 2. Prem Rishi, Son of Late Nachatar Rishi
 3. Pappu Kumar, Son of Late Nachatar Rishi
 4. Sunil Rishi, Son of Saldev Rishi
 5. Bablu Rishi Son of Late Bangali Rishi
- All are Resident of Village - Parmanandpur Ghat Tola, P.S. - Korha, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 21-01-2022 Heard learned counsel for the petitioners as well as learned APP for the State through virtual mode.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

The petitioners seek bail in connection with Korha P.S. Case No.324 of 2020 registered for the offence punishable under Sections 341,342,328,302/34 of the IPC and Section of the 9 Prevention of Witch Act.

The prosecution case in short is that on 10.07.2020 at about 14 hours AM villager Geeta Devi went to the Kali Mandir and started to trembling and told to the villagers that Devi has



come upon her and told that Baijnath Rishi has to be ousted from village or get him consume dirt. It is further stated that all accused persons including petitioners gave dirt to his father to consume. It is further stated that any how the informant brought his father at his house and tried to save him but his father become restless.

Learned counsel appearing on behalf of the petitioners submit that the petitioners have clean antecedent and they have falsely been implicated in this case. He further submits that from perusal of the FIR, it appears that there is general and omnibus allegation against all the accused persons. He further submits there is no specific allegation against any of the petitioners in the FIR. He further submits that the co-accused, namely, Geeta Devi has been granted bail by the co-ordinate Bench of this Hon'ble Court by order dated 12.07.2021 passed in Cr. Misc. No.36799/2020 and the petitioners are in custody since 15.01.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of



the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No.324 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan /-

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