

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46362 of 2022

Arising Out of PS. Case No.-328 Year-2021 Thana- SIRDALA District- Nawada

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MUKHLAL RAJVANSI S/o Kisar Rajvanshi R/o village- Lodhwey, P.S.-
Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-12-2022 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection with Sirdala (Meskaur) PS case no. 328 of 2021 instituted for the offences punishable under Sections 147, 149, 323, 364, 504 of Indian Penal Code and Section 3/4 of Witchcraft Practices Act.

The case of the prosecution in brief, according to the informant, is that 16 named accused persons including the petitioner herein came to the house of the informant and forcibly lifted Pyari Devi, Kaso Devi, Arti Devi and Khusbu Kumari, on the allegation of practicing witch craft and took them to Chandradey village where accused Bindeshwari Prasad Yadav and Rajkumar Das @ Bhoupuriya said that after sacrificing the



four ladies, the son of Sarita Devi, who died due to snake bite, will again become alive. It is further alleged that while preparation for sacrificing the aforesaid ladies were being made, the police reached and saved the victims.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 15.02.2022. It is further submitted that the petitioner is accused in one other case but he is on bail in the said case. The learned counsel for the petitioner has further submitted that all the sections are bailable except Section 364 of the Indian Penal Code. The learned counsel for the petitioner has also argued that the FIR does not even remotely suggest that the informant had gone to institute the F.I.R., after coming to know about the abduction of the victims, rather the F.I.R. records that the police came and saved the victim girls, which itself demonstrates that the occurrence in question had not taken place in the manner, it has been alleged. It is also submitted that most of the accused persons have already been granted bail by co-ordinate Benches of this Court vide order dated 20.04.2022, passed in Cr. Misc. no. 68023 of 2021 and Cr. Misc. no. 4989 of 2022 as also vide order dated 27.04.2022, passed in Cr. Misc. no. 69942 of 2021.



Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by co-ordinate Benches, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-X, Nawada in connection with Sirdala (Meskaur) PS case no. 328of 2021.

(Mohit Kumar Shah, J)

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