

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65091 of 2021

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

Pintu Kumar @ Pintu Yadav, 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.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 31-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Barachatti P.S. Case No. 461 of 2021,
registered for the alleged offences under Sections 341, 323, 324,
307, 342, 504, 506/34 of the Indian Penal Code and Section 3/4
of the Prevention of Witch (Daain) Practices Act.

As per the prosecution case, the petitioner and other
co-accused persons assaulted the family members of the
informant. Specific allegation against this petitioner is that he
hit on the head of the daughter-in-law of the informant with an



iron rod causing injury on her head. The occurrence took place in the background of co-accused Sahdeo Yadav calling the daughter-in-law of the informant a witch.

The learned counsel for the petitioner submits that the petitioner is grandson of the informant and the occurrence took place in the family and all co-accused persons and the informant are relatives. The allegation against the petitioner is that he assaulted the daughter-in-law of the informant with iron rod, but there was no repetition of blow and the injury has been found to be simple in nature. The FIR has been registered after a delay of two days for which there is no explanation. The charge sheet has been submitted under Sections 341, 328, 342, 504, 506/34 of the Indian Penal Code and Section 3/4 of Witch Act. The petitioner is in custody since 08.08.2021 and is having clean antecedent.

Learned A.P.P. though opposes the prayer for bail, but concedes that injury on the victim has been found to be simple in nature and the charge sheet has not been submitted under Section 307 of the Indian Penal Code.

Having regard to the facts and circumstances and submissions made hereinabove and considering the single injury which has been found to be simple in nature and further considering the submission of charge sheet and the period of



custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya, in connection with Barachatti P.S. Case No. 461 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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