

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68023 of 2021

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

1. Ramswaroop Rajwanshi, Son of Late Moti Rajwanshi Resident of Village- Lodhawe, P.S.- Fatehpur, District- Gaya.
2. Mithlesh Rajwanshi Son of Tetar Rajwanshi Resident of Village- Lodhawe, P.S.- Fatehpur, District- Gaya.
3. Pintu Rajwanshi Son of Balak Rajwanshi Resident of Village- Lodhawe, P.S.- Fatehpur, District- Gaya.
4. Ravi Rajwanshi Son of Chando Rajwanshi Resident of Village- Lodhawe, P.S.- Fatehpur, District- Gaya.
5. Satyendra Rajwanshi @ Sakindra Rajwanshi Son of Sakaldev Rajwanshi Resident of Village- Lodhawe, P.S.- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 4989 of 2022

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

1. Mahendra Rajvanshi, S/o Tetar Rajvanshi Resident of Village- Chandradey @ Chandradev P.S.- Meskaur, District- Nawada.
2. Vicky Kumar Son of Pramod Rajvanshi Resident of Village- Chandradey @ Chandradev P.S.- Meskaur, District- Nawada.
3. Jamuna Rajvanshi @ Jamuna Yadav @ Yamuna Yadav Son of Kanhai Rajvanshi @ Kanhai Yadav Resident of Village- Chandradey @ Chandradev P.S.- Meskaur, District- Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68023 of 2021)

For the Petitioner/s : Mr. Rajeev Nayan- Advocate

For the Opposite Party/s : Dr. Indihar Kumari- A.P.P.

(In CRIMINAL MISCELLANEOUS No. 4989 of 2022)

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra- Advocate

For the Opposite Party/s : Mr. Rabindra Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA



ORAL ORDER

2 20-04-2022 Since both the applications have been arising out of same P.S. case, so they are being taken up together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in a case registered for the offences punishable under Sections 147, 149, 341, 323, 504, 364 of the Indian Penal Code and Section 3/ 4 of the Witch Practices Act.

The learned counsel for the petitioners submits that the petitioners are in custody since 26.07.2021, charge-sheet has been submitted in this case and have antecedent of one case. The learned counsel for the petitioners submits that the petitioners were remanded in the present case on 26.07.2021, but the impugned order inadvertently records the date of custody as 21.08.2021.

The learned counsel for the petitioners further submits that the informant alleges that 16 named accused persons including the petitioners came to the house of the informant and forcibly lifted Peyari Devi, Kaso Devi, Aarti Devi and Khushboo Kumari on the allegation of practicing witch craft and took them to Chandradey village where accused Bindeshwari Prasad Yadav and Raj Kumar Das @ Bholapuriya said that after sacrificing the four ladies, the son of Sarita Devi, who died due to snake bite will again become alive. Further while preparation for sacrificing was being made, the police



reached and saved the four victims.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case because of enmity. It is also submitted that all the Sections are bailable except Section 364 of the I.P.C. The learned counsel further submits that the F.I.R. does not even remotely suggest that the informant had gone to institute an 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 victims that in itself demonstrates that the occurrence had not taken place in the manner is being alleged.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioners are in custody, charge-sheet has been submitted in this case, the petitioners, above-named, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sirdala (Meskaur) P. S. Case No.328 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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