

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69942 of 2021

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

1. LOHA RAJVANSI S/o Mahendra Rajvansi R/o village/Mohalla-Chandradey, P.S.- Sirdala, Distt.- Nalanda
2. Mahendra Rajvansi S/o Gango Rajvansi R/o village/Mohalla-Chandradey, P.S.- Sirdala, Distt.- Nalanda

... .. Petitioners

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-04-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Sirdala P.S. Case No. 328 of 2021 registered for the offences punishable under Sections 147, 149, 323, 364 and 504 of the Indian Penal Code read with Sections 3 and 4 of the Witch Craft Practices Act.

The learned counsel for the petitioners submits that petitioners are in custody since 21.08.2021, charge-sheet has been submitted in the case and have antecedent of one case.

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 Pyari Devi, Kaso Devi, Arti Devi and Khusbhu Kumari on the allegation of practicing witch craft and took them to Chandradey village where accused Bindeshwari Prasad Yadav and Rajkumar Das @ Bhojpuriya 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 submitted that while preparation for sacrificing the female were being made, the police reached and saved the victims. The learned counsel submits that petitioners have been falsely implicated in the present case because of enmity, it is submitted that all Sections are bailable except Section 364 of the IPC, it is further submitted that the FIR does not even remotely suggest that the informant had gone to institute an FIR after coming to know about the abduction of the victim rather the FIR records that the police came and saved the victim that in itself demonstrates that the occurrence had not taken place in the manner it is being alleged. It is further submitted that eight of the co-accused have been granted bail by a common order dated 20.04.2022 in Cr. Misc. No. 68023 of 2021 and Cr. Misc. No. 4989 of 2022.

The Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.



Considering the facts that the petitioners are in custody since 21.08.2021, charge sheet has been submitted in the case and co-accused have been granted bail, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sirdala P.S. Case No. 328 of 2021.

(Satyavrat Verma, J)

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