

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 71588 of 2021

Arising Out of PS. Case No.-365 Year-2021 Thana- SAUR BAZAR District- Saharsa

1. Ramchandra Yadav Son of Boku Yadav @ Upendra Yadav Resident of Village - Sahuria Pachhami, Ward No.- 10, P.S.- Sour Bazar, District - Saharsa.
2. Deepak Kumar Son of Pramod Yadav Resident of Village - Sahuria Pachhami, Ward No.- 10, P.S.- Sour Bazar, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1104 of 2022

Arising Out of PS. Case No.-365 Year-2021 Thana- SAUR BAZAR District- Saharsa

Pramod Yadav son of Boku Yadav @ Upendra Yadav Resident of village Sahuria Pachhami, ward No. 10, P.S.- Sour Bazar, District - Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 71588 of 2021)

For the Petitioner/s : Mr. Madhav Jha, Adv.
: Mr. Abhinav Kumar Mishra, Adv.
: Mr. Madhav Kumar, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 1104 of 2022)

For the Petitioner/s : Mr. Ashok Kumar Mishra, Adv.
: Mr. Abhinav Kumar Mishra, Adv.
: Mr. Madhav Kumar, Adv.

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

For the Opposite Party/s : Ms. K. Vishaka Nand, Adv.
: Ms. Nilam Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 09-11-2022 Initially in Cr. Misc. No. 71588 of 2021, there were two petitioners namely Ramchandra Yadav and Deepak Kumar. Vide order dated 18.05.2022, the case for Ramchandra Yadav have withdrawn and therefore the Cr. Misc. No. 71588 of 2021 is only for one accused namely Deepak Kumar.

Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Sour Bazar P.S. Case No. 365 of 2021 lodged under Sections 341, 323, 324, 307, 302, 379, 354 (B), 448, 504 and 506/34 of the I.P.C. and 3/4 of Bihar Witch Craft (Prevention) Act, 1999 (Dayan Act)

As per the prosecution case, it has been alleged that the named accused person entered the house of the informant and started abusing the mother of the informant and started calling her *dayan*. Thereafter, the allegation of stroke with *farsa* on the head of the informant's mother, is upon Ramchandra Yadav, due to which she fainted. The allegation upon the petitioner along with Ramchandra Yadav is to assault the informant by iron rod on his body and head. It has been alleged that the informant was severely injured in saving her mother. The informant was then sent to a hospital for better treatment but during treatment, she died.

Learned counsel for the petitioner of Cr. Misc. No. 71588 of 2021 submits that the present petitioner Deepak

Kumar is innocent and there is no allegation in the F.I.R. against him to assault the deceased. Learned counsel for the petitioner submits that petitioner is in custody since 24.08.2021 having clean antecedent and charge sheet has been filed.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner namely Deepak Kumar, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Sour Bazar P.S. Case No. 365 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

Learned counsel for the petitioner of Cr. Misc. No. 1104 of 2022 submits that the present petitioner Pramod Yadav is in custody since 22.07.2021 having clean antecedent which has been supplemented by supplementary affidavit, in which he is on bail.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and

the submissions made above, let the petitioner namely Pramod Yadav, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Sour Bazar P.S. Case No. 365 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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