

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35134 of 2023

Arising Out of PS. Case No.-639 Year-2022 Thana- BANKA District- Banka

Pradeep Yadav Son Of Ganesh Yadav R/O Village- Garijor, P.S.- Banka,
District- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Banka
P.S. Case No. 639 of 2022 registered for the offence under
Sections 302, 34 of the Indian Penal Code and Sections 3, 4 and
5 of Prevention of Witch Practices Act, 1999.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 22.03.2023.

4. The allegation against the petitioner is to commit
murder of the wife of the informant alongwith other co-accused
persons by tying a rope around the neck and also by causing
physical assault in the background of suspicion that the minor
daughter of informant died out of suspected Witch Practice by
the wife of the informant i.e. deceased.



5. Learned counsel appearing on behalf of the petitioner submitted that the allegation as to cause fatal assault by tying rope around the neck on the deceased is appearing very much general and omnibus against this petitioner. It is submitted that in terms of postmortem, no external injuries were noticed, which creates a doubt regarding murder of informant, as informant claimed being an eye-witness of the occurrence that soon before the occurrence his wife was assaulted by petitioner and other co-accused persons. It is also submitted that the narration of FIR suggest that informant also received injuries but was not medically examined. It is submitted that cause of death is yet to ascertain as per postmortem report. It is further submitted that similarly situated co-accused, namely Pappu Yadav, has already been granted bail by one of the learned Coordinate Bench of this Court through Cr. Misc. No. 33487 of 2023 vide order dated 26.06.2023. While concluding the argument, it is submitted that petitioner found involved in two more criminal case, where he is on bail, and, moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP, while opposing the prayer of bail



submitted that petitioner actively participated during the occurrence as to cause death of the wife of informant.

7. Considering the facts and circumstances as mentioned above and by taking note of nature of assault as alleged to be caused by this petitioner which is appearing very much general and omnibus, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 22.03.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Banka P.S. Case No. 639 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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