

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55285 of 2023

Arising Out of PS. Case No.-68 Year-2020 Thana- BHEJA District- Madhubani

1. Mahesh Yadav son of Rajesh Kumar Yadav Village- Karhara Ps- Bheja Dist- Madhubani
2. Ganesh Yadav son of Late Shyam Lal Yadav Village- Karhara Ps- Bheja Dist-Madhubani
3. Naresh Yadav son of Late Shyam Lal Yadav Village- Karhara Ps- Bheja Dist-Madhubani
4. Umesh Yadav son of Late Shyam Lal Yadav Village- Karhara Ps- Bheja Dist-Madhubani
5. Raushan Yadav son of Shankar Yadav Village- Karhara Ps- Bheja Dist-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-08-2023 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 341, 323, 354(A), 379, 504/34 of the Indian Penal Code and Section 3/4 of the Prevention of Witch (Daain) Practices Act.

3. As per prosecution case, on the alleged date and time of the occurrence, petitioner No. 1 is alleged to have called the informant *Dayan* and accusing her of causing illness to the



children and, on protest, petitioner No. 3 caught the hand of the informant and petitioner No. 2 tore her blouse, petitioner No. 4 is alleged to have snatched her golden earring and petitioner No. 5 assaulted her with fists and slaps.

4. It is submitted on behalf of the petitioners that both parties are *gotiyas*. There is case and counter case and present case is counter blast of Bheja P. S. Case No. 67 of 2020. It is further submitted that the Investigating Officer submitted Charge Sheet No. 24 of 2021 dated 26.05.2021 only against petitioner Nos. 1, 3 and co-accused Uttim Lal Yadav for the offences under Sections 341, 323, 354(A), 504/34 of the IPC and Sections 3/4 of the Prevention of Witch (Daain) Practices Act and petitioner Nos. 2, 4 and 5 were not sent up for trial. But learned court below took cognizance against all the accused persons including these petitioners for offences under Sections 341, 323, 354(A), 504/34 of the Indian Penal Code and Sections 3/4 of the Prevention of Witch (Daain) Practices Act *vide* order dated 14.10.2022.

5. Considering the nature of accusation, relationship between the parties and case and counter case, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court



below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-II, Jhanjharpur, Madhubani in connection with Bheja P. S. Case No. 68 of 2020, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Navya/-

U		T	
---	--	---	--

