

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55737 of 2022

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

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1. Lailun Devi Wife of Late Krishna Rajbansi Resident of Village- Lodhwey, P.S.- Fatehpur, District- Gaya
 2. Arun Rajbansi Son of Ramswaroop Rajbanshi Resident of Village- Chanderdev, P.S- Meskaur (Sirdala), District- Nawada
 3. Sarita Devi Wife of Arun Rajbanshi Resident of Village- Chanderdev, P.S- Meskaur (Sirdala), District- Nawada

... .. Petitioner/s

Versus

1. The State Of Bihar Sunil Rajbanshi Village Harla Police Station Meskaur District Nawada
2. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Nayan

For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 27-02-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with Sirdala
(Meskaur) P.S. Case No. 328 of 2021, registered for the
offences punishable under Sections 147, 149, 341, 323, 504
and 364 of the Indian Penal Code and Section 3/4 of Witch
Practices Act.

The prosecution case as emerges from the FIR is
that according to the informant 16 named accused persons



including the petitioner herein came to the house of the informant and forcibly lifted Pyari Devi, Kaso Devi, Arti Devi and Khusbu Kumari, on the allegation of practicing Witch Carft and took them to Chandradey Village where accused Bindeshwari Pd. Yadav and Rajkumar Das @ Bhoupuriya 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 alleged that while preparation for sacrificing the aforesaid ladies were being made, the police reached and saved the victims.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that there is no specific allegation against the petitioners. He also submits that all Sections of I.P.C involved in this case are bailable in nature, except Section 364 I.P.C.,. He further submits that similarly situated co-accused persons, namely, Vindeshwar Prasad Yadav, Rekha Devi and Mukhlal Rajvanshi have already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 05.07.2022, 01.09.2022 and 16.12.2022



passed in Cr. Misc. No. 10035 of 2022, Cr. Misc. No. 32406 of 2022 and Cr. Misc. No. 46362 of 2022.

He further submits that the petitioners have been languishing in jail since 02.06.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. C.J.M., Nawada in connection with Sirdala (Meskaur) P.S. Case No. 328 of 2021 on the following conditions:

(i) The petitioners will make themselves available



for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the



petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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