

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58751 of 2023

Arising Out of PS. Case No.-72 Year-2022 Thana- BARACHATTI District- Gaya

1. Shambhu Kumar @ Shambhu Yadav Son Of Japali Yadav Resident Of Village - Suraundha, P.S. - Barachatti, District - Gaya
2. Aarzo Kuar @ Arjo Yadav @ Arzoo Kumar Son Of Ramotar Yadav Resident Of Village - Suraundha, P.S. - Barachatti, District - Gaya
3. Kalavati Devi Wife Of Shambhu Kumar @ Shambhu Yadav Resident Of Village - Suraundha, P.S. - Barachatti, District - Gaya
4. Ramotar Yadav Son Of Late Bhola Yadav Resident Of Village - Suraundha, P.S. - Barachatti, District - Gaya
5. Nand Kishore Yadav @ Nand Keshwar Yadav @ Nand Kishore Son Of Late Bhola Yadav Resident Of Village - Suraundha, P.S. - Barachatti, District - Gaya
6. Bhuneshwar Yadav Son Of Late Bhola Yadav Resident Of Village - Suraundha, P.S. - Barachatti, District - Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Meena Devi Wife Of Raju Kumar Yadav Resident Of Village - Suraundha, P.S. - Barachatti, District - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md. Murad Ashraf, Advocate
For the Informant	:	Mr. Madhav Ray, Advocate
		Mr. R.N. Tiwari, Advocate
For the State	:	Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 28-11-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with regard to the petitioner no. 4 i.e. Ramotar Yadav who has already been



arrested.

Permission is accorded.

Accordingly, the present anticipatory bail application is dismissed as withdrawn with respect to the petitioner no. 4.

3. The petitioners are apprehending their arrest in a case in connection with Barachatti P.S. Case No. 72 of 2022 dated 01.02.2022 registered for the offences punishable u/ss 323, 379, 354B, 504, 506, 379 read with section 34 of the Indian Penal Code and u/ss 3/4/5 of the Witch Craft Act.

4. As per the prosecution case, the petitioners and the co-accused persons armed with weapons entered the house of the informant. The co-accused Yogesh Yadav and Shambhu Yadav (petitioner) misbehaved the informant and told that she had killed their buffalo and cow by applying exorcism and thereafter, they tried to disrobe her. Meanwhile, her daughter came to save her, she was also assaulted by one of the accused Mithilesh Yadav. It is further alleged that they snatched the informant's earring, *mangalsutra* (total worth Rs. 50,000) and took away Rs. 35,000/- in cash from her possession.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. There is land dispute between the parties. It is further submitted that the petitioners have no concern with the alleged offence.



The co-accused has already been granted anticipatory bail by the Coordinate Bench of this court vide order dated 11.04.2023 passed in Cr. Misc. No. 1948 of 2023. The petitioner no. 1 has two criminal antecedent and the petitioner no. 2, 3, 5 and 6 have one criminal antecedent as stated at para 3 of the bail petition.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Sherghati in connection with Barachatti P.S. Case No. 72 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition :-

(i) The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive



dates without reasonable
cause, the prosecution will be
at liberty to move for
cancellation of their bail bond.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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