

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61617 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- DANDARI District- Begusarai

1. SHOBHA DEVI Wife of Ram Uday Yadav R/o vill - Bank, ward no. 9, P.S. - Dandari, Distt. - Begusarai
2. Rekha Devi Wife of Ranjit Yadav R/o vill - Bank, ward no. 9, P.S. - Dandari, Distt. - Begusarai
3. Kiran Devi @ Babuli Devi @ Babli Devi Wife of Sanjiv Yadav @ Sanjit Yadav R/o vill - Bank, ward no. 9, P.S. - Dandari, Distt. - Begusarai
4. Mamta Devi Wife of Sanoj Yadav R/o vill - Bank, ward no. 9, P.S. - Dandari, Distt. - Begusarai
5. Sanjiv Yadav @ Sanjit Yadav Son of Ram Uday Yadav R/o vill - Bank, ward no. 9, P.S. - Dandari, Distt. - Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indu Bhushan
For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-10-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

2. This is an application for grant of anticipatory bail in connection with Dandari P.S. Case No. 38 of 2023, registered for the offence punishable under Sections 341, 323, 324, 325, 379, 504, 506, 307, 354/34 of the Indian Penal Code and Section 3 /4 of the Witch Practices Act.

3. The allegation is regarding the accused persons including the petitioners herein, variously armed, having arrived at the



house of the informant on the alleged date and time of occurrence and having accused her of being a witch, whereafter they had assaulted her and when her son had arrived there, he was also assaulted. It is alleged that when some other family members of the informant had arrived there for protecting the informant, the accused persons had also assaulted them.

4. The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that though the Doctor has found the injury, inflicted upon the informant, to be grievous in nature, however, the same is attributable to Bhullu @ Sanoj Yadav and one co-accused person, namely, Ranjit Yadav, however, as far as the petitioners are concerned, the injuries, inflicted upon the injured persons, have been found to be simple in nature, as would be apparent from the injuries reports, annexed as Annexures P/2 to P/6 to the present petition. It is further submitted that all the other main accused persons have surrendered before the learned Court below for the purposes of seeking regular bail, thus, benefit of doubt be granted to the petitioners for the purposes of being granted the privilege of anticipatory bail.



5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, taking into account the materials available on record as also considering the fact that the injuries, sustained by the injured persons, attributable to the petitioners herein, have been found to be simple in nature by the Doctor, apart from the fact that they are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

7. Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Begusarai, in connection with Dandari P.S.Case No. 38 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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