

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71101 of 2023

Arising Out of PS. Case No.-311 Year-2023 Thana- CHANDAUTI District- Gaya

1. Munakka Devi @ Munaka Devi W/O Late Ramwaran Yadav Village- Dhurve, Ps. Chandauti, Dist. Gaya
2. Guriya Kumari D/O Late Ramwaran Yadav Village- Dhurve, Ps. Chandauti, Dist. Gaya
3. Gita Bharti W/O Manoj Kumar Yadav Village- Dhurve, Ps. Chandauti, Dist. Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Praveen Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023 Heard Mr. Sharda Nand Mishra, learned counsel for the petitioners, Mr. Praveen Kumar, learned counsel appearing on behalf of the informant as well as Mr. Sanjay Kumar Tiwary, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chandauti P.S. Case No. 311 of 2023, F.I.R. dated 21.05.2023 for the offences punishable under Sections 341, 323, 324, 504, 307, 337, 379/34 of the Indian Penal Code and Sections 3, 4 and 5 of the Witchcraft Act, 1999.

3. According to prosecution case, these petitioners along with other accused persons have assaulted the informant's



wife and son by means of iron rod due to which they sustained injuries. It is further alleged that the petitioner, Munka Devi also abused the informant's wife as Witch.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and due to admitted land dispute between the parties, the present occurrence has taken place. He further submits that it appears from the F.I.R that there is specific allegation against the co-accused, namely, Chhotu Yadav and Manoj Yadav and there is no accusation of any assault or overt act against these petitioners rather there is general and omnibus allegation against all the petitioners.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the F.I.R and there is specific allegation against the petitioner no. 2, namely, Guriya Kumari that she has assaulted the wife of the informant along with other accused persons.

6. Considering the aforesaid facts and circumstances that there is no accusation of any assault or overt act against these petitioners, there is case and counter case between the



parties and the petitioners have clean antecedent, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released 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 the learned Chief Judicial Magistrate, Gaya in connection with Chandauti P.S. Case No. 311 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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