

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1509 of 2023

Arising Out of PS. Case No.-14 Year-2022 Thana- GAYA MUFASIL District- Gaya

1. BUTU YADAV S/O LATE MATLU YADAV @ LATE MATLU @ LATE BADRI YADAV Resident of Village- Budhgere, P.S.- Muffasil, District- Gaya.
2. CHHOTU YADAV S/O BUTU YADAV Resident of Village- Budhgere, P.S.- Muffasil, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manisha Prakash, Adv.
For the Opposite Party/s : Mrs.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 341, 323, 308, 504/34 of the Indian Penal Code and ¾ of the Prevention of Witch Practices Act, 1999.

Allegedly, the petitioners are said to have assaulted the mother of informant by means of iron rod by putting allegation of practicing witch craft. When the informant went to save her mother, the petitioners assaulted him with iron rod.

It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There was a dispute regarding drainage of water. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the accused petitioner Chhotu Yadav to have assaulted the informant by means of iron rod and injury was found grievous in nature.

Considering that petitioner no.2 has inflicted grievous injury to the informant, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail on behalf of petitioner no.2 is hereby rejected.

However, having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioner no.1, let the above named petitioner no.1, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned court below where the case is pending/Successor Court in connection with Muffasil P.S. Case No.14 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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