

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6095 of 2024

Arising Out of PS. Case No.-205 Year-2023 Thana- BARAHAT District- Banka

1. Parwati Devi @ Budhni Devi Wife of Ajay Bind Resident of Village- Changeri Mirzapur, P.S.- Barahat, Distt.- Banka
2. Ajay Bind Son of Pokhan Bind Resident of Village- Changeri Mirzapur, P.S.- Barahat, Distt.- Banka
3. Karan Bind Son of Ajay Bind Resident of Village- Changeri Mirzapur, P.S.- Barahat, Distt.- Banka
4. Nandu Bind @ Nand Kishor Bind Son of late Jagarnath Bind Resident of Village- Changeri Mirzapur, P.S.- Barahat, Distt.- Banka
5. Prayag Bind Son of late Jagarnath Bind Resident of Village- Changeri Mirzapur, P.S.- Barahat, Distt.- Banka
6. Pokhan Bind Son of late Jagarnath Bind Resident of Village- Changeri Mirzapur, P.S.- Barahat, Distt.- Banka
7. Chotu Kumar @ Sajan Kumar Son of Nandu Bind @ Nand Kishore Bind Resident of Village- Changeri Mirzapur, P.S.- Barahat, Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-02-2024 Heard Mr. Raghav Prasad, learned Counsel for the
petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Barahat P.S. Case No. 205 of 2023 for the offence registered under sections 341, 323, 354(B), 308, 504 and 34 of the Indian Penal Code and section 3/4 of the Prevention of Witch (Daain) Practice Act lodged on 11.09.2023 by the informant



Rambadan Bind.

3. As per the prosecution story, claiming witch craft being done by the informant's wife, she was assaulted and her modesty was also outraged. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that there is a case and counter case with the similar allegation. It is his further submission that there is a land dispute between the parties which resulted into exaggerated allegation.

5. Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioners on its own would like to pay Rs. 2,000/- each totalling Rs. 14,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant's wife, Domni Devi after checking the credentials.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that she was assaulted and her modesty was also outraged.

7. Even after the passage of 24 years of 21 st century, alleging witch craft, assaults are being made, if the allegation in the FIR is accepted.

8. However, considering the fact that omnibus



allegation has been made against all the accused persons, one of them is a lady, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 2,000/- each, as stated above.

9. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Banka in connection with Barahat P.S. Case No. 205 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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