

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15673 of 2024

Arising Out of PS. Case No.-639 Year-2022 Thana- BANKA District- Banka

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Tarni Yadav @ Tarni Rout S/o- Ganesh Yadav Village- Garijor Ps- Banka
Dist-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Adv.

For the Opposite Party/s : Mr.Narsingh Tanti, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has earlier moved before this Court with a prayer for anticipatory bail which was rejected vide order dated 11.10.2023 passed in Cr. Misc. No. 46846 of 2023.

3. The petitioner seeks bail in connection with Banka P.S. Case No. 639 of 2022 instituted for the offences under Sections 302, 34 of the Indian Penal Code and Section 3, 4 and 5 of the Prevention of Witch Practices Act, 1999.

4. As per prosecution case, the petitioner along with other co-accused persons caused hurt to the Informant's wife Ganeshi Devi by saying her Dayan and thereafter they committed murder of the wife of the Informant by suffocating



her after tying and tightening a rope around her neck.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. It has further been submitted that there is no specific allegation against the petitioner rather the same is general and omnibus in nature. There is no eye-witness to the alleged occurrence. He again points out that the postmortem report does not support the prosecution case submitting that the deceased has died natural death and due to enmity, the petitioner has been implicated in this case. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 12.12.2023. Charge-sheet has been submitted in this case.

6. Learned counsel for the petitioner again submits that the co-accused Pappu Yadav and Pradeep Yadav have been granted bail by a Co-ordinate Bench of this Court vide orders dated 26.06.2023 and 31.07.2023 passed in Cr. Misc. Nos. 33487 of 2023 and 35134 of 2023 respectively.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case as also taking note of nature of assaulted as alleged to be caused by the petitioner which is appearing general and omnibus coupled with the fact that charge-sheet has already submitted, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Banka P.S. Case No. 639 of 2022.

(Rudra Prakash Mishra, J)

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