

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16835 of 2024

Arising Out of PS. Case No.-397 Year-2019 Thana- SIRDALA District- Nawada

1. Sohar Yadav @ Sohar Prasad Yadav son of Late Parmeshwar Yadav Village- Bulkathika Ps- Sirdala Dist- Nawada
2. Naresh Yadav @ Naresh Prasad Yadav son of Late Parmeshwar Yadav Village- Bulkathika Ps- Sirdala Dist- Nawada
3. Saryu Yadav @ Saryu Prasad Yadav son of Late Parmeshwar Yadav Village- Bulkathika Ps- Sirdala Dist- Nawada
4. Pankaj Kumar son of Saryu Yadav @ Saryu Prasad Yadav Village- Bulkathika Ps- Sirdala Dist- Nawada
5. Saroj Devi wife of Sohar Yadav @ Sohar Prasad Yadav Village- Bulkathika Ps- Sirdala Dist- Nawada
6. Pawan Devi wife of Naresh Yadav @ Naresh Prasad Yadav Village- Bulkathika Ps- Sirdala Dist- Nawada
7. Sanju Devi @ Kabi Devi wife of Vinod Yadav Village- Bulkathika Ps- Sirdala Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Akhilesh Kumar, the learned counsel for

the petitioners and Mr. Bhanu Pratap Singh, the learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Sirdala PS Case No. 397 of 2019, FIR dated

13.09.2019, registered for the offences punishable under

Sections 341, 323, 307, 448, 379, 504 and 506 read with Section



34 of the Indian Penal Code and under Sections 3 and 4 of the Prevention of Witch (Daain) Practices Act, 1995.

3. According to prosecution case, the accused persons came variously armed at the house of the informant and alleged that the wife of the informant is a Witch (*Daain*) and they will not allow the family of the informant to live in the village. It is further alleged that the accused persons assaulted the informant and his family members and took Rs. 20,000/- (rupees twenty thousand), gold chain and threatened them with dire consequences.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and both the parties are agnates and due to admitted dispute the present occurrence has taken place and also there is case and counter case between the parties. He further submits that as per the allegation levelled in the FIR, the petitioner no. 2, namely, Naresh Yadav @ Naresh Prasad Yadav has inflicted *garasa* blow on the hand of the wife of the informant due to which she has received injury and doctors opine that the injury is dangerous for life.

5. Considering the aforesaid facts and circumstances and the fact that there is specific allegation against the petitioner



no. 2, I am **not** inclined to grant the privilege of anticipatory bail to the petitioner no. 2, namely, Naresh Yadav @ Naresh Prasad Yadav, in connection with Sirdala PS Case No. 397 of 2019, pending in the Court of learned Additional Chief Judicial Magistrate, Nawada.

6. Accordingly, the anticipatory bail application with respect to petitioner no. 2, namely, Naresh Yadav @ Naresh Prasad Yadav stands dismissed.

7. Learned counsel for the petitioner nos. 1, 3, 4, 5, 6 and 7 further submits that upon perusal of the FIR it appears that there is no specific allegation of any assault or overt act attributed against petitioner nos. 1, 3, 4, 5, 6 and 7. He lastly submits that both the parties are aganates and there is case and counter case between them.

8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner nos. 1, 3, 4, 5, 6 and 7.

9. Considering the aforesaid facts and circumstances and the fact that the petitioner nos. 1, 3, 4, 5, 6 and 7 have clean antecedent, there is no specific allegation of any assault or overt act attributed against them and there is case and counter case between the parties, let the petitioner nos. 1, 3, 4, 5, 6 and 7,



above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Additional Chief Judicial Magistrate, Nawada, where the case is pending in connection with **Sirdala PS Case No. 397 of 2019**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). petitioner nos. 1, 3, 4, 5, 6 and 7 shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(ii). If the petitioner nos. 1, 3, 4, 5, 6 and 7 tamper 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 trial Court shall verify the criminal antecedent of the petitioner nos. 1, 3, 4, 5, 6 and 7 and in case, at any stage, it is found that the petitioner nos. 1, 3, 4, 5, 6 and 7 have concealed their criminal antecedent, the



trial Court shall take step for cancellation of bail bond of the petitioner nos. 1, 3, 4, 5, 6 and 7. 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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