

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44660 of 2024

Arising Out of PS. Case No.-104 Year-2021 Thana- ALIPUR District- Gaya

1. Upendra Das @ Upendra Ravidas S/O Late Saryu Das R/O Mohalla- Shanti Bajitpur, P.S- Alipur, Distt.- Gaya.
2. Vikash Kumar S/O Upendra Das R/O Mohalla- Shanti Bajitpur, P.S- Alipur, Distt.- Gaya.
3. Yugesh Das S/Olate Saryu Das R/O Mohalla- Shanti Bajitpur, P.S- Alipur, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-07-2024 Heard Mr. Vinod Kumar, learned counsel appearing on behalf of the petitioners and Mr. Md. Fahimuddin, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Alipur P.S. Case No. 104 of 2021 registered under Sections 341, 323, 308, 354, 354B, 504, 506, 34 of the Indian Penal Code and 3/4 Prevention of Witch (DAAIN) Practices Act.

3. As per the allegation made in the FIR, the petitioners, who were family members of the informant, had assaulted the informant for alleged witch craft.

4. Learned counsel appearing on behalf of the



petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. Learned counsel further submits that due to family dispute, the petitioners have been dragged in the present case. It is the case of the petitioners that the informant had practiced witch craft and had taken life of the father of the petitioner nos.1 and 3 and grandfather of the petitioner 2. He further submits that due to land dispute between the parties, after death of the father of the petitioner nos.1 and 3, a false case has been lodged against the petitioners. On these grounds, petitioners seek to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the allegation made in the FIR, as well as, the fact that due to family dispute, the petitioners have been dragged in the present case, I am of the opinion that petitioners have, prima facie, made out a case to be released on pre-arrest bail. The learned District Court is directed to release the petitioners on anticipatory bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Gaya in



connection with Alipur P.S. Case No. 104 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The learned District Court is directed to verify the criminal antecedent of the petitioners, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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