

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81630 of 2024

Arising Out of PS. Case No.-176 Year-2024 Thana- FATEHPUR District- Gaya

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1. Manish Raj @ Manish Kumar Son of Umashankar Yadav R/O Village- Dharampur PS- Fatehpur District- Gaya
 2. Robin Raj @ Robin Kumar @ Robin Ray Son of Umashankar Yadav R/O Village- Dharampur PS- Fatehpur District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 81862 of 2024

Arising Out of PS. Case No.-176 Year-2024 Thana- FATEHPUR District- Gaya

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1. Bal Kishun Yadav Son of Rohan Yadav R/O Vill.- Dharampur, P.S.- Fatehpur, Dist.- Gaya.
 2. Leela Yadav Son of Rohan Yadav R/O Vill.- Dharampur, P.S.- Fatehpur, Dist.- Gaya.
 3. Lakhan Yadav @ Satyanarayan Prasad Son of Leela Yadav R/O Vill.- Dharampur, P.S.- Fatehpur, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 83052 of 2024

Arising Out of PS. Case No.-176 Year-2024 Thana- FATEHPUR District- Gaya

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1. Hiralal Yadav S/o Bal Kisun Yadav RO Village- Dharampur, PS- Fatehpur, District- Gaya
 2. Nandlal Yadav @ Nandelal Yadav S/o Bal Kisun Yadav RO Village- Dharampur, PS- Fatehpur, District- Gaya
 3. Rakesh Kumar S/o Nandlal Yadav @ Nandelal Yadav RO Village- Dharampur, PS- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 81630 of 2024)

For the Petitioner/s : Mr. Syed Asgher Najmi, Advocate
Mr. Ashutosh Kumar, Advocate

For the State : Mr. Anil Kumar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 81862 of 2024)

For the Petitioner/s : Mr. Syed Asgher Najmi, Advocate
Mr. Ashutosh Kumar, Advocate

For the State : Mr. Akshay Lal Pandit, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 83052 of 2024)

For the Petitioner/s : Mr. Syed Asgher Najmi, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-12-2024 Since all the anticipatory bail applications arise out of Fatehpur P.S. Case No. 176 of 2024, with the consent of the parties all these three anticipatory applications are heard together.

2. Heard learned Counsel for the petitioners and learned APP for the State.

3. This application, for grant of anticipatory bail, arises out of Fatehpur P.S. Case No. 176 of 2024, disclosing offences punishable under Sections 147, 148, 149, 448, 341, 354(A), 323, 324, 307, 379, 427, 504, 506 and Section 3/4 of the Prevention of Witch (DAAIN) Practices Act.

4. The prosecution story, as per the First Information Report, is that on 26.03.2024 in the evening while informant was at her home, the petitioners along with other accused persons came there and abused the informant and called her as



Dian (witch), and also assaulted her by khanti and rod, due to which she sustained head injury and when the family members of the informant intervened, they were also assaulted by the accused persons by iron-rod, lathi, butt of pistol etc.

5. Learned Counsel for the petitioners submits that both the parties are agnates and the petitioners have falsely been made accused in this case due to land dispute. A counter case has been lodged by the side of the petitioners against the informant and others bearing Fatehpur P.S. Case No. 178 of 2024. He further submits that from the impugned order it is evident that though the learned Additional Session Judge has discussed the injury inflicted on vital part of the body but has not discussed the nature of the injuries.

6. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are agnates having land dispute and from the impugned order, it appears that learned District Court has not mentioned the injury caused to the victim as grievous in nature, I am inclined to grant the privilege of anticipatory bail to the petitioners.

7. These applications are, accordingly, allowed.

8. Let petitioners, above named, in the event of their



arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate Xth, Gaya in connection with Fathpur P.S. Case No. 176 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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