

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85362 of 2023

Arising Out of PS. Case No.-297 Year-2019 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

-
1. Lal Babu Sah Son Of Sita Ram Sah
 2. Deepo Devi Wife Of Sita Ram Sah
 3. Shanti Devi Wife Of Ram Chandra Sah
 4. Jachan Devi Wife Of Nathuni Sah @ Nathunu Sah
 5. Poonam Devi @ Punam Devi Kumari Gupta Wife Of Pankaj Kumar Gupta @ Pankaj Kumar Sah
 6. Angaj Sah @ Angad Sah Son Of Ram Chandra Sah
 7. Nathuni Sah @ Nathunu Sah Son Of Raj Kishore Sah
 8. Sita Ram Sah Son Of Prem Lal Sah
 9. Chapan Sah @ Chharpan Sah Son Of Late Ram Chandra Sah
All resident Of Village - Dhobopur Bansara, P.S. - Hayaghat, District - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kailash Sah Son Of Late Yogendra Sah Resident Of Village - Dhobopur Bansara, P.S. - Hayaghat, District - Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-03-2024 Heard the learned counsel appearing on behalf of the petitioner and the learned APP for the State in hybrid-virtual mode.

2. Petitioners seek pre-arrest bail in connection with CR No.297/2019 dated 01.03.2019 pertaining to Misc. 61/2020 registered for the offences punishable under Sections 147, 323,



504 and 509 of the Indian Penal Code and Section 3/4 of Prevention of Witch Practices Act, 1999.

3. Prosecution story, in brief, is that the accused persons including the petitioners entered into the house of the complainant on the ground of witchcraft done by the wife of the complainant on a child, they robbed cloths and ornaments worth Rs.40,000/- and they had catch hold hair of the wife of the complainant and had poured stool in her mouth.

4. Learned counsel appearing on behalf of the petitioners submitted that general and omnibus allegation has been alleged against the petitioners. There is land dispute between the complainant and the petitioner no.8. In paragraph no.10 of the petition, the petitioners have submitted that the petitioner no.8 and his family members have lodged three FIR against the complainant. Petitioners have clean antecedent and due to previous enmity between the parties, they have been made accused under Section 3/4 of Prevention of Witch Practices Act, 1999.

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

6. Having considered the rival submissions made on behalf of the parties, as well as, due to previous enmity between



the parties, the petitioners have been implicated under Section 3/4 of Prevention of Witch Practices Act, 1999, the petitioners are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned court below 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 Sri Raju Kumar, Judicial Magistrate, Ist Class, Darbhanga/concerned court, in connection with CR No.297/2019 dated 01.03.2019 pertaining to Misc. 61/2020, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

7. The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

chn/-

U			
---	--	--	--

