

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65501 of 2024

Arising Out of PS. Case No.-846 Year-2021 Thana- SHERGHATI District- Gaya

1. Subodh Vishwakarma S/o-Late Dhanesher Vishwakarma Resident of Village- Pindra Khurd, P.S. Dobhi, District-Gaya
2. Umesh Vishwakarma son of Late Shivadhari Vishwakarma Resident of Village- Pindra Khurd, P.S. Dobhi, District-Gaya
3. Vikash Vishwakarma @ Viccky Vishwakarma son of Kishori Vishwakarma Resident of Village- Pindra Khurd, P.S. Dobhi, District-Gaya
4. Kishori Vishwakarma son of Late Shivadhari Vishwakarma Resident of Village- Pindra Khurd, P.S. Dobhi, District-Gaya
5. Manoj Vishwakarma son of Suraj Vishwakarma Village- Shusha Bahal Basti Near Imambada Ps- Dhanabad Dist- Dhanbad
6. Avinash Kumar son of Manoj Vishwakarma Village- Shusha Bahal Basti Near Imambada Ps- Dhanabad Dist- Dhanbad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-01-2025 Heard the learned Advocate for the petitioners and
the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Sherghatti (Dobhi) P.S. Case No. 846 of 2021, registered for the offences punishable under Sections 341, 323, 342, 354, 504, 379, 34 of the Indian Penal Code and $\frac{3}{4}$ the prevention of Witch (Daain) Practices Act 1999.

3. It is alleged that while the informant was sitting at



her door in the meantime, all the FIR named accused persons including the petitioners came there and started assaulting and abusing her, by making allegation of doing witchcraft. When the daughter of the informant came to her rescue, she was also dragged and assaulted. The accused persons also snatched the earrings of the daughter of the informant.

4. Learned Advocate appearing on behalf of the petitioner contended that there is omnibus nature of allegation against all the family members and the genesis of the institution of the FIR is nothing but a land dispute between the parties resulting into case and counter case. It is further contended that the petitioner side has also lodged a complaint case bearing no. 491 of 2021 before the learned A.C.J.M., Sherghatti, Gaya of 24.12.2021, which was sent to the concerned Police Station and the FIR has been registered. It is the contention of the learned Advocate for the petitioner that the petitioners are men of fair antecedent and they undertake before this Court that they will fully co-operate in the proceeding of the Court.

5. On the other hand, learned APP for the State vehemently opposed the pre-arrest bail application.

6. Regard being had to the submissions and taken into consideration the omnibus nature of allegation coupled with the



fact that both the parties are close relatives and there is on going dispute, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M, Sherghatti, Gaya in connection with Sherghatti (Dobhi) P.S. Case No. 846 of 2021, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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