

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6812 of 2015

Arising Out of PS.Case No. -2451 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT
District- EAST CHAMPARAN (MOTIHARI)

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1. Bhikhari Thakur Son of Late Ramdeo Thakur
 2. Madan Thakur Son of Late Ramdeo Thakur
 3. Savita Devi Wife of Albela Thakur
 4. Albela Thakur Son of Late Thhag Thakur
 5. Chanmuni Devi Wife of Chhabela Thakur
 6. Nabela Thakur Son of Late Thhag Thakur
 7. Shyampati Devi Wife of Bhikhari Thakur
 8. Chhabela Thakur @ Chhabila Thakur Son of Late Thhag Thakur
 9. Bunela Thakur Son of Late Thhag Thakur
- All resident of - Katahan, P.S.- Mufassil Motihari, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Patanjali Rishi, Advocate.
For the Opposite Party/s : Mr. Anish Chandra, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-02-2015 Heard both sides.

The petitioners, nine in number, apprehend their arrest in a case registered under Sections 323, 341 and 504 of the Indian Penal Code and Sections 3 / 4 of the Prevention of Witchcraft Practices Act.

The complainant named the petitioners and alleged that they all came and assaulted the complainant and his wife.

Albela Thakur tried to put night soil in the mouth of the wife of the complainant.

Learned counsel for the petitioners submits that the petitioners and the complainant are agnates. The occurrence took place on 22.07.2014 at 8.00 hours in the morning but the complaint petition was filed on 23.07.2014. All the allegations are concocted. There is no medical report.

Considering the facts that the petitioners are agnates of the complainant and the complainant made omnibus and general allegation of assault except the allegation made against Albela Thakur, petitioner no. 4, that he tried to put night soil in the mouth of the complainant, the above named petitioners no. 1, 2, 3, 5, 6, 7, 8 & 9 (except petitioner no. 4), in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sadar, East Champaran in Trial No. 7572 of 2014, arising out of Complaint Case No. 02451 of 2014 / C1610 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of petitioner no. 4, Albela Thakur,

is concerned, there is allegation that he tried to put night soil in the mouth of the informant, I am not inclined to enlarge him on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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