

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30322 of 2014

Arising Out of PS.Case No. -269 Year- 2013 Thana -BATHNAHA District- SITAMARHI

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1. Bala Lakhindar Kumar @ Bala Lakindar Son of Ram Pukar Sah
2. Subodh Kumar @ Subodh Kumar Sah Son of Ram Balak Sah
3. Satya Narayan Sah Son of Ram Balak Sah
4. Ram Balak Sah Son of Late Ram Prasad Sah
5. **Raj Kumari Devi Wife of Ram Balak Sah**
6. **Asha Devi Wife of Satya Narayan Sah All R/o vill.- Panthpakar, P.S.- Bathnaha, District- Sitamarhi**

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Durgesh Nandan(APP)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 14-01-2015

Heard counsel for the petitioners.

Nobody appears on behalf of the State.

The six petitioners herein who belong to one family have approached this Court seeking anticipatory bail apprehending their arrest in connection with Bathnaha P.S. Case No. 269 of 2013 which was registered under sections 147,148,149,307,323,324,354,380 and 504 IPC including sections 34 of the Prevention of Witchcraft Practices Act..

According to the FIR, the family of the accused(s) was suffering on account of the witchcraft allegedly practiced by the informant. It is alleged that on the date of occurrence all the

petitioners entered into the house of the informant and one of them assaulted her. The other accused persons torn the clothes of the victim and committed theft. Initially a complaint was lodged on 02.12.2013 in relation to the occurrence committed on 04.11.2013 which was later treated as FIR.

The contention of the petitioner is that there is counter version of the case lodged by one of the accused(s) (Annexure-2). There is no injury report. Apparently, there is delay in lodging the case. A settlement has been arrived at between the parties inasmuch as an application has been filed in the court.

On perusal of the impugned order passed by the learned Sessions Judge, Sitamarhi as well as the FIR, it appears that there is specific allegation attributed to the petitioner no.3 who is said to have assaulted the complainant-cum-informant. The other family members of the informant were also assaulted/attacked with Lathi and Danda by others present.

Regard being had to above, this Court is not inclined to grant the privilege of bail to petitioner nos. 1 to 4. Their prayer for bail is accordingly rejected. They may surrender & pray for bail.

So far as petitioner nos. 5 and 6 are concerned, they are female members of the family. In the facts and circumstances of the case they deserve to be released on bail. Accordingly, in

the event of arrest/surrender within three weeks from today, petitioner no.5 and 6, abovenamed, shall be released on bail on furnishing bail bonds of Rs. 10,000/- each, with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 269 of 2013 subject to condition as laid down under section 438(2) Cr. P.C. with further condition that one of the bailors of each of the petitioners shall be their own/close family member.

(Kishore Kumar Mandal, J)

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