

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34804 of 2015

Arising Out of PS.Case No. -28 Year- 2015 Thana -GOGRI District- KHAGARIA

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1. Md. Junaid Son of Suleman
2. Md. Pachra Son of Sulman
3. Md. Ekram Son of Md. Riyaz All resident of Village- Goraiya Bathan ,
P.s Gogari, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Shailendra Kumar 1(App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 29-10-2015

Heard the learned counsel for the petitioners, the
learned counsel for the informant and the learned Additional
Public Prosecutor.

The petitioners apprehend their arrest in a case under
Section 302 and other sections of the Indian Penal Code and under
section 3/4 of Witch Practices Act.

The informant, husband of the deceased, named the
petitioners and others and alleged that they all went to the house of
the informant and assaulted his wife on the accusation of witch.
Md. Junaid, petitioner No.1, and Md. Kasim are alleged to have
assaulted the deceased with spade on her neck.

The learned counsel for the petitioners submits that
the informant is not an eye witness of the occurrence. Even during
the course of investigation none of the witness has claimed to be
eye witness of the occurrence. From perusal of paragraph 14 of the

case diary, it would appear that Monazir, a child aged about 7-8 years, disclosed that he saw only Md. Kasim assaulting the deceased and there was none present at the place of occurrence.

On the other hand the learned counsel for the informant as well as the learned Additional Public Prosecutor, vehemently, opposed the prayer for anticipatory bail and submitted that the informant and other witnesses have stated very categorically that all the accused persons went and assaulted the deceased. Md. Kasim and Md. Junaid assaulted the deceased with spade.

It appears that besides the informant, witnesses Md. Mokim, Israfil, Khushboo Khatoon have disclosed that on alarm they came to the place of occurrence. Md. Kasim assaulted the deceased with spade. Afsari Khatoon and Abdul Rashid also reiterated the same facts.

Considering the fact that petitioners went to the house of informant and assaulted his wife causing her death, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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