

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34246 of 2014

Arising Out of PS.Case No. -791 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Santosh Pd. Son of Yogendra Prasad Resident of Village - Rupahari, P.S. - Shkarganj, Distt. - East Champaran (Motihari).
 2. Bishawa Nath Prasad, Son of Late Ramautar Prasad Resident of Village - Rupahari, P.S. - Shkarganj, District - East Champaran (Motihari)
 3. Munna Prasad Son of Amiri Lal Resident of Village - Rupahari, P.S. - Shkarganj, District - East Champaran (Motihari)
 4. Murari Prasad Son of Yamuna Prasad Resident of Mohalla - Arya Samaj Chauk, Motihari, P.S. - Chhatauni, Distt. - East Champaran (Motihari)
 5. Chhedi Prasad @ Chhedi @ Braj Kishore Prasad. Son of Ganesh Prasad Resident of Village - Arya Samaj Chouk, Motihari, P.S. - Chhatauni, Distt. - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Manu Devi Wife of Late Sajawal Prasad Resident of Villag - Shahari, P.S. - Shikarganj, District - East Champaran (Motihari).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Sharma

For the Opposite Party/s : Mr. Ram Sumiran Rai (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 13-02-2015

Heard both sides.

The petitioners apprehend their arrest in a case registered under sections 447, 354, 504, 452 of the Indian Penal Code and ¾ of the Witch Craft Act.

The complainant made allegation that all the petitioners brutally assaulted her and her daughter. They also put night soil in her mouth alleging that the complainant is a witch.

Learned counsel for the petitioner submits that



the occurrence is of 10.07.2012. The complainant herself filed a petition before the Officer In charge of Shikarganj alleging therein that there is dispute with regard to the passage of khata no. 19 khesra No. 1059 and all the accused persons assaulted her and her children. The aforesaid application was forwarded to Chiraiya P.S for registration of the case but with regard to same occurrence the complainant filed a complaint on 13.07.2012. It is further submitted that on perusal of paragraph 3, 4 and 5 it would appear that there is a dispute with regard to the passage and for that many cases are pending against the parties.

Having considered the fact that for the same occurrence the complainant herself has filed a petition on 10.6.2012 before the S.H.O. Shikarganj and she made altogether different allegation on the basis of which a case has been registered under different sections. But for the same occurrence the complainant filed this complaint petition on 13.06.2012. It appears that many cases are pending between the parties for the dispute of the passage, the above named petitioner 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 be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the

satisfaction of Shri S.K. Jha, J.M. Ist Class, Sikrahana at
Motihari in complaint case no. 791C of 2012 subject to the
conditions as laid down under section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

M.Rahman/-

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