

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41622 of 2015

Arising Out of PS.Case No. -205 Year- 2015 Thana -SHEKHPURA COMPLAINT CASE District-
SEKHPURA

- =====
1. Md. Shamsheer Alam @ Md. Shamsheer
 2. Md. Nausher Ali
 3. Md. Alisher
 - All sons are of Md. Shamshad
 4. Nargish Parveen @ Nargish Khatoon
 5. Shabina Khatoon
 - Both are daughters of Md. Shamshad
 6. Ishrat Khatoon, wife of Md. Shamshad
 - All are resident of Village- Asthama, P.S.- Karandey, District-
Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Salma Khatoon W/o Md. Samim, resident of Village- Asthama, P.S.-
Karandey, District- Sheikhpura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh

For the Opposite Party/s : Mr. D.P.Tiwary(App)

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

2 08-10-2015 Heard learned counsel for the petitioners and learned
counsel for the complainant-opposite party no.2.

The petitioners, namely, Md. Shamsheer Alam @ Md.
Shamsheer, Md. Nausher Ali, Md. Alisher, Nargish Parveen @
Nargish Khatoon, Shabina Khatoon and Ishrat Khatoon
apprehend their arrest in Complaint Case No.205(C) of 2015
under Sections 323, 341, 380, 452, 504 and 506/34 of the Indian
Penal Code and Section 3/4 of the Witch Practices Act.

It appears that the complainant-opposite party no.2 filed the complaint case alleging that while complainant was praying the accused persons told that she is doing *jadu-tona* and they started pelting bricks causing head injury to the daughter of the complainant. They entered into the house and assaulted and snatched golden chain, household material and cash of Rs.25,000/-.

In fact there is enmity between the parties and the petitioners have also lodged Karandey P.S. Case No.26 of 2013 under sections 341, 323, 379 and 504 of the Indian Penal Code. Another Karandey P.S. Case No.29 of 2015 has also been lodged by the petitioners' side against the complainant and her family members under sections 341, 323, 354(B), 504, 452/34 of the Indian Penal Code and 3/4 of the Witch Practices Act. There is also 107 Cr.P.C. proceeding between the parties being Case No.490(M) of 2013.

On the other hand, the learned counsel appearing on behalf of the complainant-opposite party no.2 objected the prayer for anticipatory bail on the ground that the petitioners are *dabang* persons and they always torture the complainant and there is direct allegation of snatching of golden chain and cash of Rs.25,000/-.

Considering the above facts and circumstances of the case and the fact that there is enmity between the parties, I direct the petitioners to surrender before the court below within six weeks from today and on their so surrendering, the court below is directed to release the petitioners on bail on furnishing bail bonds of Rs.5,000/- (five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sheikhpura in connection with Complaint Case No.205(C) of 2015.

(Mungeshwar Sahoo, J)

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