

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5594 of 2016

Arising out of PS.Case No. -85 Year- 2015 Thana -PALANWA District- EAST
CHAMPARAN(MOTIHARI)

Amrullah Khan @ Amrulla Khan, Son of Nasib Khan, resident of village-
Gad Bahuari, Police Station- Palanwa, District- East Champaran at
Motihari.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Irshad Ahmad Khan, Advocate.

For the Opposite Party : Mr. T.P.Mandal(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 28-03-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Palanwa P.S. Case No. 85 of 2015 for the offences instituted
under Sections 147, 148, 447, 341, 324, 323, 307, 379, 504 of the
IPC and $\frac{3}{4}$ of the Prevention of Witch(Daain) Practices Act, 1991.

It is alleged by the informant that the son of her
neighbour fell ill. So, they were talking about it. On 03.08.2015 at
6.00 P.M., the petitioner and others came at the door of the
informant and said that the informant is the witch so, his son fell
ill. On protest is being made by the informant, they abused her
and co-accused Soiab Khan and Atiullah Khan assaulted her with
Lathi and *Garasa*. When her son came to rescue, Nasrullah Khan

assaulted with *Lathi* and *Danda* and petitioner assaulted with *Garasa* on the head of the informant as a result of which, she sustained injury. They also took gold chain of the informant's son.

It is submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case. It is a case and counter case. From perusal of the injury report, it is evident that the nature of injury is simple hence, no offence under Section 307 IPC is made out.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Palanwa P.S. Case No. 85 of 2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran at Motihari, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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