

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17805 of 2016

Arising Out of PS.Case No. -149 Year- 2015 Thana -KUSHESHWARSTHAN District-
DARBHANGA

- =====
1. Ram Bahadur Ram son of Late Saini Rai
 2. Sita Devi, wife of Ram Bahadur Ram
 3. Sanjay Ram, son of Ram Bahadur Ram
 4. Ashok Ram, son of Ram Bahadur Ram
 5. Ajay Ram son of Ram Bahadur Ram
 6. Vijay Ram Son of Ram Bahadur Ram
 7. Jaya Devi, wife of Ranjit Ram
 8. Kiran Devi, wife of Ashok Ram
 9. America Devi wife of Sanjay Ram
 10. Arbind Ram son of Late Sona Ram
 11. Most. Laxami Devi, W/o Late Sona Ram
 12. Gita Devi wife of Arbind Ram
 13. Panma Devi, Wife of Lal Mohar Ram, All residents of village- Usadi,
P.S.- Kusheshwar Asthan, district- Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Subhas Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kr. Singh No.1(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-05-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Kusheshwar Asthan P.S. Case No. 149 of 2015, G.R. No. 447 of
2015 registered for offences punishable under Sections 147, 149,
341, 323, 448, 380, 354, 504 of the Indian Penal Code and
Sections 3, 4 and 6 of the Prevention of Witch (Daain) Practices
Act, 1999.



The prosecution case, in brief, is that the neighbour used to call the informant as witch and on 30.04.2015 at 02.30 P.M. altercation took place between the children of the petitioners and the informant. On protest being made, the accused persons entered into the house of the informant and assaulted him with *fists* and *slaps* and on the order of Ram Bahadur Ram, Sita Devi assaulted with bamboo on the head of the informant and when informant fell down, all the accused persons caught hold the informant and Sita Devi tried to put urine in her mouth. It is also alleged that the female accused persons took away box containing clothes and jewellery.

It has been submitted by the learned counsel for the petitioners that the allegations are not specific and a counter case has also been filed by the petitioners' side against the informant's side bearing Kusheshwar Asthan P.S. Case No. 145 of 2015 under the same sections of the Indian Penal Code as well as under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act prior to the institution of the present case regarding the same occurrence. He further submits that the First Information Report has been lodged after delay of about six days and no reason has been assigned for such delay. Learned counsel for the petitioners further submits that the co-accused

having similar allegations, have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court in Cr. Misc. No. 16723 of 2016 on 19.04.2016.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report and, hence, opposes the prayer for bail.

Under the said facts and circumstances, taking into the consideration the earlier case lodged by the petitioners' side and the delay in lodging of the present First Information Report as well as paragraph 3 of this petition stating that petitioners have no criminal antecedent, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Biraul, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 149 of 2015, G.R. No. 447 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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