

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22442 of 2016

Arising Out of PS.Case No. -247 Year- 2015 Thana -AKBARPUR District- NAWADA

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1. Rajo Rajwanshi son of Late Kishun Rajwanshi
 2. Vikash Rajwanshi, Son of Chando Rajwanshi, both resident of village-
Pithauri Tola, Srichandra Nagar, P.S.- Akbarpur, District- Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Nayan

For the Opposite Party/s : Mr. Hirday Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-05-2016

Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 504, 323, 325, 307, 379 of the Indian Penal Code and Section 3/4 of the Prevention of Witch Practices Act.

The prosecution case is that the wife of petitioner No. 1 was bitten by scorpion when it is alleged that it was due to the witch craft practiced by the wife of the informant. On 19.10.2015 at 9:00 P.M the petitioner No. 1 along with other co-accused started pelting stones on the house of the informant as a result the informant along with his family members went to the house of his neighbour Shiv Balak Ram. It is further alleged that all the accused persons including the petitioners entered into the house of Shiv Balak Ram and petitioner No. 1 and co-accused Mina Devi assaulted with iron rod to the informant. Petitioner No. 2 assaulted with sword on

the head of the informant and when the wife of the informant came to rescue then petitioner No. 1 and co-accused Parsuram Rajbanshi assaulted her with iron rod causing fracture injury. Co-accused Parsuram Rajbanshi snatched gold chain from the neck of the daughter of the informant and co-accused Vikash Kumar snatched ear-rings of the daughter-in-law of the informant.

It is submitted by learned counsel for the petitioners that except one injury, all the injuries have been found to be simple caused by hard and blunt substance. Though the accusation has been levelled against petitioner No. 2 to have made assault with sword to the informant but no sharp cut injury has been found. One of the injuries of the wife of the informant has been found to be grievous which is alleged to have been caused by petitioner No. 1 and co-accused Parsuram Rajbanshi.

Since wife of the informant has received grievous injury, let learned Court below consider the prayer for regular bail of petitioner No. 1 Rajo Rajwanshi, if he surrenders within a period of six weeks in connection with Akbarpur P.S. Case No. 247 of 2015, pending in the Court of learned Additional Chief Judicial Magistrate, Nawada.

So far as petitioner No. 2 Vikash Rajwanshi is concerned, since the accusation against him of assaulting the informant with sword is not being corroborated with medical

opinion coupled with statement made in para 3 of the petition that he has no criminal antecedent, let the petitioner No. 2, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, I, Nawada in connection with Akbarpur P.S. Case No. 247 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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