

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35042 of 2016

Arising Out of PS.Case No. -215 Year- 2016 Thana -KANTI District- MUZAFFARPUR

1. Raju Paswan son of Gagandeo Paswan
2. Pappu Paswan son of Gagandeo Paswan
3. Jitendra Paswan @ Jitendra son of Gagandeo Paswan
4. Kailash Pandit Son of Late Shiv Nandan Pandit
5. Sunaina Devi Wife of Kailash Pandit
6. Umar Paswan son of Narsingh Paswan All R/o Village Shahpur, P.S. Kanti Distt. Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy (A.P.P. 229)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-09-2016 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Kanti P.S.Case No. 215/2016 registered for the offences punishable under Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code and 3/4 of the Witch Act.

The prosecution case is that the informant on 19.05.2016 was at his Darwaja at about 7 P.M., in the meantime petitioner Nos. 1 and 2 appeared there and started abusing the wife of the informant alleging therein that she has done witch craft to



Sima (Daughter), upon which when the informant made a protest, he was assaulted by the petitioners with lathi and iron rod with an intention to kill, due to which the informant received injury on his head and other parts of his body. It is further alleged that when the wife of the informant came to save her husband, she was also assaulted by the petitioner Nos. 4 and 6 who snatched silver chain from her neck, but later on, the matter was conciliated by the neighbours.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated due to village politics, which is the outcome of the last Panchayat Election. He submits that no case under Sections 379 of the Indian Penal Code or 3/4 Witch Act is made out against them and no injury has been caused to the informants' side. He further submits that the petitioners have no criminal antecedents, as is evident from para-3 of this application.

However, learned A.P.P. of State submits that the petitioners are named in the F. I. R., hence, opposes the prayer for bail.

Be that as it may, let the above named petitioners 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 the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate (West) Muzaffarpur, in connection with Kanti P.S.Case No. 215/2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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