

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46601 of 2016

Arising Out of PS.Case No. -114 Year- 2016 Thana -ROHTAS District- SASARAM (ROHTAS)

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1. Shakuntala Devi D/o Munshi Sah
2. Anpurna Devi W/o Late Krishna Prasad
3. Usha Devi D/o Munshi Sah
4. Gudiya Devi @ Kiran Devi @ Gudiya D/o Munshi Sah All are resident
of Village- Patkholiya, P.S.- Rohtas, District- Rohtas.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Krishna Pd. Singh, Sr. Advocate.
Mr. Bhaskar Shankar, Advocate.
For the Opposite Party : Mr. Asharaf Ansari, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 22-12-2016 Heard both sides.

The petitioners apprehend their arrest in Rohtas P.S.
Case No. 114 of 2016, registered for the offences punishable
under Section 307 and other Sections of the Indian Penal Code and
Sections 3/4 of the Witch Craft Practices Act. Later on Section
302 of the Indian Penal Code was added.

The informant named the petitioners and others and
alleged that they all assaulted her mother Prabha Kuer with lathi
making allegation of witch against her. It is further alleged that the
accused persons assaulted with Garasa on the eye of the mother of
the informant and also broke the hand. The informant was also



assaulted.

Learned counsel for the petitioners submits that altogether 13 persons are named in the FIR out of which eight persons are family members of the house. The mother of the deceased received as many as five injuries but two injuries were found on the head which were found fatal for the death of the deceased. There is a counter case being Rohtas P.S. Case No. 116 of 2016 which was registered on the basis of fardbeyan of Nandan Kishore Prasad, petitioner no. 1 of the present FIR. Similarly situated co-accused Lalan Kumar has already been enlarged on bail vide order dated 13.12.2016 passed in Cr. Misc. No. 40874 of 2016. The petitioners are ladies and no specific allegation of assault is made against the petitioners.

On the other hand learned counsel for the informant and learned APP opposed the prayer for anticipatory bail of the petitioners and submitted that all the thirteen accused persons assaulted the deceased, mother of the informant. The police after investigation found Rohtas P.S. Case No. 116 of 2016 false lodged by Nandan Kishore Prasad, petitioner no. 1.

Having considered the facts that the petitioners are ladies and no specific allegation of assault is made against the petitioners and similarly situated co-accused Lalan Kumar has



already been enlarged on bail, the petitioners, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate-Ist Class, Dehri, Rohtas in Rohtas P.S. Case No. 114 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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