

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3271 of 2016

Arising Out of PS.Case No. -49 Year- 2014 Thana -PURUSHOTTAMPUR District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Manoj Mahto Son of Rudal Mahto
 2. Hiranman Paswan son of Late Sita Hazara
 3. Devendra Paswan Son of Hiranman Paswan
 4. Anirudh Mahto@Anarudh Paswan Son of Ramanand Hazara
 5. Surendra Mahto Son of Late Jag Mahto
 6. Sugam Mahto Son of Shankar Mahto

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Renu Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-01-2016 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 354B, 504, 506 of the Indian Penal Code and 3/4 of The Prevention of Witch (Daain) Practices Act, 1999.

Prosecution case is that 19 accused persons including the petitioners came to the house of the informant and started abusing as they alleged the informant's wife played witch craft on



the son of one Sunil Kumar, as a result, he used to remain sick. The accused persons dragged the wife of the informant by catching her hair and made her half naked when the informant went to rescue petitioner no.6 Sugam Mahto assaulted on his head with 'farsa' when Raju Kumar came to rescue then co-accused Ugan Mahto abused him by calling caste name and on his order co-accused Sunil Kumar assaulted on his head with 'farsa'. Thereafter, Sharda Devi administered night soil to the wife of the informant with the help of Sugandhi Devi and Lalita Devi.

It is submitted by learned counsel for the petitioners that except specific accusation against petitioner no.6 Sugam Mahto, there is general and omnibus accusation against the 19 FIR named persons. For the occurrence of 25.11.2014, the FIR was registered on 01.12.2014 and the petitioners' side lodged a case against the informant's side with similar accusation being Purushottampur P.S. Case No.47/2014. The injuries of the informant and other injured Raju Kumar have been found to be superficial simple in nature caused by hard and blunt substance whereas the petitioner no.6 Sugam Mahto, co-accused Sunil Kumar alleged to have caused injury with 'farsa' (a sharp cut weapon).

Considering the delayed lodging of the case, the case



lodged by petitioners' side and informant's side, let petitioner nos. 1 to 4 above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Purushottampur P.S. Case No.49/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

So far as petitioner nos. 5 and 6 are concerned, this Court is not inclined to grant anticipatory bail to them since they are accused in two other cases apart from the present case as mentioned in paragraph 3 of the petition and it is not apparent from the pleadings that they are on bail in both the cases.

Though, it is submitted by learned counsel for the petitioners that the petitioners and the informant have entered into compromise in the said cases.

Let the learned Court below consider the prayer for regular bail of petitioner nos. 5 and 6, if they surrender within a period of six weeks in connection with Purushottampur P.S. Case No.49/2014, pending before the learned Judicial Magistrate, 1st Class, Bettiah, West Champaran.

With the above observation, this application so far as it relates to petitioner nos. 5 and 6 is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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