

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51911 of 2016

Arising Out of PS.Case No. -234 Year- 2014 Thana -KUSHESHWARSTHAN District-
DARBHANGA

- =====
1. Idrish Miyan @ Rudal,
 2. Dukha Miyan,
 3. Tahir Miyan @ Indal Petitiner No. 1 to 3 are sons of Late Niyamat Miyan
 4. Gul Mohammad Son of Idrish Miyan
 5. Shamsheer Miyan, Son of Dukha Miyan,
 6. Navi Hussain Son of Hakim Miyan
 7. Samina Khatoon, W/o Idrish Miyan
 8. Rabina Khatoon W/o Tahir Miyan All residents of village - Gaura, Police Station Kusheshwar Sthan, District - Darbhanga

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Parmod Kumar

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 07-12-2016 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Kusheshwar Asthan P.S. Case No. 234 of 2014 for the offences instituted under Sections 147, 148, 447, 341, 323, 354, 379, 504 of the Indian Penal Code and Section 3/4 of the Prevention of Witch (Daain) Practices Act.

The allegation against the petitioners is of assaulting the informant and abusing by saying “Daain” and on protest made by her, they outraged her modesty by snatching her clothes. When her pregnant daughter came to save her, she was also assaulted by them.



It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering of witnesses alleged against the petitioners. Prior to the institution of the present case, the F.I.R. was lodged against the informant's side, which is evident from perusal of Annexure-2 to the present application. There is admitted enmity between the parties.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Kusheshwar Asthan P.S. Case No. 234 of 2014 on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Biraul at Darbhanga, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J.)

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