

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.532 of 2016

Arising Out of PS.Case No. -85 Year- 2015 Thana -PALANWA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Nasrullah Khan
 2. Quamrul Hoda @ Nanhak
 - Both are sons of Nasib Khan,
 3. Shoib Khan, Son of Nasrullah Khan,
 4. Atiullah Khan @ Atiullah, Son of Amirullah Khan,

All are resident of village Gad Bahuari, P.S. - Palanwa, District - East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Irshad Ahmad Khan, Advocate
For the Opposite Party/s : Mr. Indu Bala Pandey(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 08-01-2016 Heard learned counsel for the petitioners and the
State.

The petitioners are apprehending their arrest in a
case registered for the offences punishable under Sections
147, 148, 447, 341, 324, 323, 307, 379, 504 of the Indian
Penal Code and 3/4 of the Prevention of Witch Practices
Act.

The prosecution case is that the informant made
protest for addressing her witch, then accused persons
variously armed entered into the house of the informant

and assaulted her. When the son of the informant came to rescue, then he was being assaulted by petitioner no. 1 Nasrullah Khan by lathi and co-accused Amirullah Khan with farsh.

It is submitted by the learned counsel for the petitioners that for the occurrence of 03.08.2015 the First Information Report was registered on 27.08.2015. The informant has received only one injury, when it is alleged that all the accused persons assaulted her. Accusation of assault is omnibus and general, but only of bruise injury on the left side of scalp has been found to be simple in nature, whereas the son of the informant has also received one incised wound, cause by sharp cutting weapon, which is simple in nature. The said injury is alleged to have been caused by co-accused Amirullah Khan. There is counter version of the occurrence also.

Considering the fact that the injury report has not corroborated by the medical opinion and there being a counter version of the occurrence, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East

Champaran, Motihari in connection with Planwa P.S. Case No. 85 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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