

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16723 of 2016

Arising Out of PS.Case No. -149 Year- 2015 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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1. Shivji Ram, son of late Chhattu Ram
2. Kumud Ram @ Kumod Ram, son of Sukhdeo Ram @ Chhathu Ram
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Subhas Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kr. Singh No.1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 19-04-2016 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, 149, 341, 323, 448, 380, 354, 504 of the Indian Penal Code and sections 3,4,6 of The Prevention of Witch (Daain) Practices Act, 1999.

Prosecution case is that the neighbor used to call the informant as witch and on 30.04.2015 at 02.30 p.m. an altercation took place between the children of the petitioners and the informant. On protest being made the accused persons entered



into the house of the informant and made assault with fists and slaps and on the order of Ram Bahadur Ram, Sita Devi assaulted with bamboo on the head of the informant when the informant fell down all the accused person caught hold the informant when Sita Devi tried to put urine in her mouth. It is also alleged that the female accused persons took away box containing clothes and jewellery.

It is submitted by learned counsel for the petitioners that accusation is not being specific against the petitioners. For the occurrence of 30.04.2015, the FIR was registered on 06.05.2015 and the petitioner side at earlier point of time lodged Kusheshwar Asthan P.S. Case No.145/2015 against the informant and thereafter as a retaliatory measure, the present case has been lodged.

Considering the delayed lodging of the FIR, the case lodged by the petitioners' side at earlier point of time and the accusation is not specific against the petitioners coupled with a statement made in paragraph 3 of the petition that the petitioners have no criminal antecedent, let the above named petitioners 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 SDJM, Biraul, Darbhanga in connection with Kusheshwar Asthan P.S. Case No.149/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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