

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15060 of 2016

Arising Out of PS.Case No. -1264 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

- =====
1. Sadique Mian S/o Late Jokho Mian
 2. Mumtaz Mian S/o Late Walim Mian
 3. Maqbool Mian S/o Late Walim Mian
 4. Rukhsano Khatoon W/o Mumtaz Mian
 5. Shamima Khatoon W/o Sadique Mian
- All are resident of village – Khairi, P.S. – Banjario, District – East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Anarkali Devi W/o Krishna Sahni R/o Khairi, P.S. – Banjaria, District – East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul
For the Opposite Party/s : Mr. Ashraf Ansari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 11-04-2016 Heard learned counsels for the petitioners
and the State.

The petitioners are apprehending their arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 341, 504, 379 of the Indian Penal Code and 3/4 of Prevention of Witch Practices Act.

The prosecution case is that the accused persons started abusing the assaulting the complainant on the

presumption that the complainant has practiced witch craft on the wife of one of the accused when petitioner no. 1 Sadique Mian administered night-soil to the complainant and petitioner no. 4 Rukhsano Khatoon snatched gold earring worth rupees six thousand.

It is submitted by learned counsel for the petitioners that for the occurrence of 16.06.2015 the complaint was filed on 23.06.2015. There is no injury report on the record, statement to that effect has been made in paragraph 7 of the petition, which reads as follows:- “ That no injury report or medical paper is on record to substantiate the allegation.” It is further submitted that in the background of petty dispute the accusation has been levelled.

A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the delayed lodging of the complaint, 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 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 at Motihari

in connection with Complaint Case No. 1264C of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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