

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37413 of 2016

Arising Out of PS.Case No. -248 Year- 2015 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

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1. Arbind Mishra S/o Vashistha Mishra Resident of Village - Mishrauli,
P.S. - Chanpatia, District - West Champaran Petitioner/s
Versus

1. The State of Bihar. Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the State : Smt. Anusuiya Jaiswal
For the Informant : Mr. Sanjay Singh-7, Advocate
=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 27-09-2016 Heard the learned counsel for the petitioner, the

learned counsel for the informant as well as the learned Additional

Public Prosecutor.

The petitioner apprehends his arrest in Chanpatia P.S.
case No.248 of 2015 under Section 147, 341, 323, 307, 379, 149
of the Indian Penal Code and under Section 34 of Prevention of
Witch Practices Act.

The informant named the petitioner along with other
accused persons and alleged that the accused persons assaulted her
and her family members. Petitioner is said to have put night soil in
the mouth of the informant making allegation that she was a witch.

It is submitted that police after investigation
submitted charge sheet under Section 308 and other Sections of
the IPC. The police did not find the allegation true under any

Sections of Witch Practices Act, therefore, the allegation of putting night soil in the mouth of informant is not found true. There is no specific allegation of assault against the petitioner.

Mr. Sanjay Singh-7, the learned counsel for the informant, submits that police did not arrest the petitioner and under Section 41 of Cr. P. C. asked him to appear in court within one month after taking his undertaking.

Considering the fact that accusation of putting night soil in the mouth of informant is found false by the I.O. and there is no specific allegation of assault against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Rakesh Kumar Tiwari, learned Additional Chief Judicial Magistrate-V, West Champaran at Bettiah in Chanpatia P.S. Case No. 248 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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