

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28584 of 2016

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

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1. Sanjay Mishra @ Sanjay Kr. Mishra S/o Baidyanath Mishra
2. Pannalal Sah S/o Late Ramayan Sah
Both Resident of village - Mishrauli, P.S. Chanpatia, District - West
Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the State : Mr. Binod Kumar No. 3
For the Informant : Mr. Sanjay Kumar-7

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 26-07-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

In this case, petitioners are seeking anticipatory bail
in connection with Chanpatia P.S. Case No. 248 of 2015 registered
for offences under sections 147, 341, 323, 307, 379 and 149 of the
Indian Penal Code and section 3/ 4 of the Witch Practices Act.

The main allegation has been made against the
petitioners to have called the victim-lady as dyne. Allegation has
been made against one accused, namely, Arvind Mishra to have
poured the night soil forcibly in the mouth of the informant. With
respect to assault, specific allegation has been made against
Vasistha Mahto. The Police after investigation, did not find the

allegation with respect to witch craft to be true, submitted the charge sheet under the different sections of the Indian Penal Code and the court below has taken cognizance under the different section of the Indian Penal Code which the counsel for the petitioner has stated in paragraph 12 of this application.

The counsel for the informant has produced the injury report which shows the victim-lady has received three injuries, all are simple in nature. Allegation has been made against Vasistha Mahto to have assaulted the victim. In the format, the name of Vasistha Mahto has been mentioned as Vasistha Mishra.

Looking to facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the court below within a period of four weeks, be enlarged on bail on his furnishing bail bond of Rs.10,000/-with two sureties of the like amount each to the satisfaction of Sri Rakesh Kumar Tiwary, Additional Chief Judicial Magistrate-V, Bettiah, West Champaran in connection with Chanpatia P.S. Case No. 248 of 2015, subject to the condition as laid down under Section 438 (2) Cr. P.C.

(Shivaji Pandey, J)

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