

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59705 of 2017

Arising Out of PS. Case No.-143 Year-2017 Thana- MADHUBAN District- East Champaran

1. Gopal Prasad, S/o-Late Ramasare Prasad,
2. Lal Babu Prasad, S/o-Gopal Prasad.
3. Ashok Prasad, Son of Late Raj Kishore Prasad,
4. Ravindra Prasad, Son of Late Raj Kishore Prasad, All are resident of Village- Sanwagiya, P.S.- Madhuban, District- East Champaran.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Sharda Nand Mishra, Adv.
For the Opposite Party	:	Mr. Yogendra Kr. Singh (APP)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-12-2017 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, 447, 448, 324, 307, 354 and 507 of the IPC and Sections 3/4 of the Prevention of Witch (Daain) Practice Act.

The prosecution case is that on 09.06.2017, the informant was cooking food in her house, in the meantime, the accused persons came with night soil when petitioner no.1, Gopal Prasad dragged the informant by catching her hair and Ashok Prasad, petitioner no.3 directed for administering night soil to the informant. In the meantime, petitioner no.2 Lal Babu Prasad, assaulted with iron road on the head of Mahabir Prasad, as a



result, he fell down. Thereafter, the accused persons tried to outrage the modesty of the informant by smashing her clothes.

It is submitted by learned counsel for the petitioners that specific accusation of assault is against petitioner no.2, Lal Babu Prasad, whereas accusation against petitioner nos. 1, 3 and 4 is omnibus and general. In the background of petty dispute, the accusation has been levelled. A statement has been made in paragraph no.3 of the petition that the petitioners have no criminal antecedent.

Since specific accusation of assault is against petitioner, no.2, Lal Babu Prasad, this Court is not inclined to grant anticipatory bail to him. Hence, the prayer for anticipatory bail of the petitioner is rejected.

Let the learned court below consider the prayer for bail of petitioner no.2, Lal Babu Prasad, if he surrenders within a period of six weeks, without being prejudiced by the order of this Court.

Considering the nature of accusation against petitioner nos.1, 3 and 4 being omnibus and general, let them be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of
learned Chief Judicial Magistrate, Motihari in connection with
Madhuban P.S. Case No. 143 of 2017, subject to the condition
as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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