

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24729 of 2017

Arising Out of PS.Case No. -366 Year- 2016 Thana -RUNISAIDPUR District- SITAMARHI

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1. Mukesh Sahni Son of Dinesh Sahni
2. Bharat Sahni Son of Dinesh Sahni
3. Dinesh Sahni Son of Mohan Sahni
4. Rakesh Sahni Son of Mohan Sahni
All residents of Village - Madhopur Sultanpur, P.S. - Runnisaidpur, District
- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate.

For the Opposite Party/s : None.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 07-06-2017 Heard Sri Ashhar Mustafa, learned advocate

appearing on behalf of the petitioners. No one appears for the

State.

The petitioners are apprehending their arrest in
Runnisaidpur P.S. Case No. 366/16 registered under Sections 147,
148, 149, 452, 380, 323, 308, 354, 506 of the Indian Penal Code
and Sections 3 and 4 of the Witchcraft Practices Act.

The present case arises out of the complaint case
registered in the court of the learned Chief Judicial Magistrate,
Sitamarhi on 30.07.2016 stating that on 10.02.2016, accused no. 1,
2 and 3 had taken a loan of Rs. 65,000/- from the husband of the



complainant but, on demand, the same was not being returned even after lapse of some time. It is further alleged that on 21.05.2016, the accused persons with intent to embezzle the loan amount started alleging that the complainant was a witch and she was responsible for the illness of the child. Further allegations are that the accused persons forcibly entered into the house of the complainant and then accused no. 2 inflicted knife blow in the stomach of witness no. 7; accused no. 1 inflicted rod blow on the person of witness no. 1 and 8; accused no. 3 & 6 inflicted rod blow on the person of witness no. 9 and accused no. 5, 7, 8 & 9 forcibly thrust filth in the mouth of the complainant and looted away jewelry and Rs. 12,000/- from the house of the complainant.

Learned counsel for the petitioners would submit that the present case is out an out a false accusation against the petitioners as the application itself has been filed after a period of more than two months from the alleged date of occurrence. Further he would submit that none of the alleged injuries are reported on the record till date. According to him, a compromise was also executed by the complainant on 31.08.2016 and the same was presented for withdrawal of the complaint on which the learned court below vide order dated 31.08.2016 directed the S.H.O. concerned to return copy of the complaint. However, prior



to communication of the said order, the F.I.R. was already registered on 01.09.2016. Learned counsel has brought on record a copy of the petition and the order dated 31.08.2016 as Annexure 2 series.

No one appears for the State to assist the Court.

On perusal of the impugned order, I do not find any mention of any injury as alleged by the complainant/informant. The learned counsel reiterates that in fact there is no injury report on the record.

In the facts and circumstances stated here-in-above, considering that the complainant / informant herself filed an application and the learned court below saying that the matter has been settled in presence of Panches and there is no injury report on the record I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners, namely, Mukesh Sahni, Bharat Sahni, Dinesh Sahni and Rakesh Sahni, in the event of their 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, are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in Runnisaidpur P.S. Case No. 366/2016,



subject to the conditions under Section 438(2) of the Code of Criminal Procedure and the petitioners shall not do any act or deed to influence the witnesses or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

Dilip, AR

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