

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19522 of 2016

Arising Out of PS.Case No. -627 Year- 2015 Thana -SITAMARHI District- SITAMARHI

- =====
1. Nand Kishore Mukhiya Son of Ram Jatan Mukhiya
 2. Chhedi Mukhiya Son of Chandradeo Mukhiya
 3. Jawahar Mukhiya Son of Chulhai Mukhiya
 4. Mahadeo Mukhiya Son of late Chhathu Mukhiya All resident of Village-Bhasar South, Ward no. 4, P.S. Sitamarhi, District Sitamarhi.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pushpendra Kumar Singh, Advocate.
For the Opposite Party : Mr. R.S.Choudhary(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 09-05-2017 Heard both sides.

The petitioners apprehend their arrest in Sitamarhi P.S. Case No. 627 of 2015, registered for the offences punishable under Sections 436, 308 and other Sections of the Indian Penal Code and Section 3/4 of the Witchcraft Practices Act.

The informant named the petitioners along with others and alleged that the petitioners assaulted the informant and her family members making allegation of practicing witchcraft against the informant. She further alleged that the accused persons set ablaze her house.

Learned counsel for the petitioners submits that there is a counter version being Sitamarhi P.S. Case No. 628 of 2015



registered for the offences punishable under Section 308 and other Sections of the Indian Penal Code. During course of investigation, the witnesses in paragraph-2 of the case diary disclosed that the informant, herself, ignited fire in her house but, from perusal of the case diary, it appears that the informant and other witnesses have stated that besides the allegation of assault, the petitioner set ablaze the residential house of the informant which was burnt to ashes.

Considering the nature of allegations made against the petitioners, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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