

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21046 of 2017

Arising Out of PS.Case No. -97 Year- 2016 Thana -CHAKAMHESI District- SAMASTIPUR

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1. Chunni Lal Mahto, s/o Niras Mahto
2. Rani Devi, D/o Chunni Lal Mahto,
3. Mukesh Kumar @ Mukesh Kumar Mahto, s/o Chunni Lal Mahto.
4. Kanchan Kumari, D/o Chunni Lal Mahto,

All are r/v Gorany Ward no. 2, P.S. Chak Mehshi, P.S.-District-Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

5 07-07-2017 Heard both sides.

The petitioners apprehend their arrest in Chak Mehshi P.S. Case No. 97/2016, registered for the offences punishable under Sections 448, 341, 323, 504 and 506 of the Indian Penal Code and Sections 3/4 of Prevention of Witch Craft Act.

The informant named the petitioners and others and alleged that they all armed with different weapons came to the house of the informant and assaulted the informant and also put ex-creta in her mouth alleging that the informant is a witch.

Learned counsel for the petitioners submits that the occurrence took place on 13.10.2016, but the F.I.R. was lodged on 13.11.2016, after a month of the occurrence. True facts are that



some altercation took place between both the parties on account of quarrel of the children of the two families. The victim was examined by the doctor on the same day and some scratch was found. Panchayati was also held and the matter was pacified, but after one month this case is lodged making false and frivolous allegation.

Considering the facts aforesaid and the fact that the occurrence took place on 13.10.2016 and on the next day the victim was examined by the doctor at P.H.C., Kalyanpur, but the case was lodged only after one month i.e. on 13.11.2016, the petitioners, above named, in the event of their arrest or surrender before the 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate I, Samastipur, in connection with Chak Mehshi P.S. Case No. 97/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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