

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47429 of 2017

Arising Out of PS.Case No. -120 Year- 2017 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Madan Sahni, Son of Late Raghunath Sahni,
 2. Sachida Nand @ Latu Sahni, Son of Late Raghunath Sahni,
 3. Ruchi Devi W/o Madan Sahni,
 4. Pramod Sahni Son of Late Raghunath Sahni, All are R/o Ramgadhwa
Tola Barharwa, P.S.- Muffasil, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Matloob Rab

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 17-10-2017

Heard learned counsel for the petitioner and

the learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 149, 448, 504, 323, 354B of the Indian Penal Code and Sections 3/4 of Witch Craft Practices Act.

The prosecution case as per the written report of the informant Bachiya Devi dated 22.03.2017 is to the effect that 11 accused persons including the petitioners and 4-5 unknown persons came, entered into the house of the informant and alleging the informant to be a witch, they assaulted her and



tried to administer excreta to her. On alarm, the co-villagers came to intervene, upon which the accused persons threatened to kill the informant.

It is submitted by learned counsel for the petitioners that in the background of some dispute with regard to the land being taken by the informant, the accusation has been levelled, whereas accusation is omnibus and general against 11 accused persons. Even assuming the accusation to be true, no offence under Section 354B IPC is made out against the petitioners. Though, much after registration of the present case, complaint case has been filed by petitioner no. 1 against the informant and others with accusation for the offences punishable under Sections 406, 420, 323, 387, 341, 307, 504, 452 and 380 of the Indian Penal Code, wherein summons have been issued after cognizance being taken under Sections 323 and 341/34 of the Indian Penal Code against the informant and others. There is nothing on record to suggest that the informant received any injury which further demolishes the prosecution case that she was assaulted and humiliated by 11 accused persons.

Learned APP submits that the accusation is against all the FIR named accused persons including the petitioners.



Considering the nature of accusation being omnibus and general and the same being not corroborated by any medical opinion, let the above named petitioners be released on anticipatory bail, in the event of arrest or 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 the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with East Champaran Muffasil P.S. Case No. 120 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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