

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55949 of 2017

Arising Out of PS.Case No. -467 Year- 2017 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Firoz Alam.
2. Afroz Alam.
Both S/o Sheikh Sahib, R/o Village- Chagrahan, Murgiya Tola, P.S.-
Turkauliya, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 04-12-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Turkauliya P.S. Case No.467 of 2017 registered under Sections
147, 341, 323, 380 and 354 of the Indian Penal Code besides
Sections 3 and 4 of the Witch Practices (Daiin) Act, 1999.

The accusation is that on 26.07.2017, the informant Most.
Meratan Khatoon was serving fodder to her cattle, at that time,
nine persons, named in the F.I.R., including the petitioners came
there and started to abuse. At that time, Sheikh Sahib caught hold
of hair of the informant saying that due to playing of witch craft



by her, his brother has died. At that time, Sheikh Yunus ordered to kill the informant, then all the accused started to cause assault to her through fists and slaps. When Shamima Khatoon, Nayeema Khatoon and Khusboo Tara, the daughters and granddaughter, of the informant respectively, rushed there to save the informant, at that time, Afroj Alam (petitioner no.2) started to outrage the modesty of Shamima, the daughter of the informant, whereas Firoz Alam (petitioner no.1) caused injury on her private part through leg. Naushad Alam urinated on the face of the informant denoting her witch.

Learned counsel appearing on behalf of the petitioners submits that, in fact, due to land dispute, hot exchange of words and occurrence of “Maar-Peet” took place in between the family of the informant and the petitioners. In that course, the petitioners’ side also sustained injury regarding which on the basis of the written report of the co-accused Md. Shahid, Turkauliya P.S. Case No.466 of 2017 was also instituted against the informant and others on 28.07.2017. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on



bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran at Motihari, in connection with Turkauliya P.S. Case No.467 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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