

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43641 of 2017

Arising Out of PS.Case No. -298 Year- 2017 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Tufan Ansari s/o Jabardast Miya
2. Kasim Miya s/o Tufan Ansari
3. Jahur Ansari s/o Nayamat Miya
4. Jahara Khatoon @ Johira Khatoon @ Johra Khatoon w/o Tufan Ansari

All r/o Village Belwa Rai Bairagi Tola P.S. Turkauliya, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr. Ashok Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 21-12-2017 Heard both sides.

The petitioners apprehend their arrest in Turkauliya P.S. Case No.298 of 2017 registered under Sections 324, 354B, 379 and other Sections of the Indian Penal Code and Section 3 and 4 of the Prevention of Witch(Daiin) Practices Act.

The informant alleged that while she was sitting on her *darwaza*, the accused persons came and made allegation that informant practiced witch craft on the grandson of Tufan Ansari. The accused persons started dragging her. It is further alleged that her cloths were torn and Tufan Ansari assaulted Pramila Devi, the daughter-in-law of the informant. When Ravindra Thakur came to



save the informant, Tufani Ansari assaulted him with iron rod and his leg was broken.

The learned counsel for the petitioners submits that there is case and counter-case. The informant made her statement on 19.05.2017 but her case was lodged on 03.06.2017. Sarswati Devi made her statement on 19.05.2017 in Sadar hospital but her case was lodged on 30.05.2017. There is allegation and counter allegation. The informant also alleged that she was assaulted and she was forced to drink nightsoil.

On the other hand, the learned counsel for the informant and learned Additional P.P. vehemently opposed the prayer for bail and submitted that there is specific allegation that Tufan Ansari assaulted Ravindra Thakur who is a disabled person and caused therein injury on his leg.

It appears that there is a case and counter case. Petitioners are accused in Turkauliya P.S. case No.298 of 2017. From the side of the petitioner, Turkauliya P.S. Case No.305 of 2017 was registered. From perusal of both F.I.R., it appears that same and similar allegations are made against each other but there is specific allegation that Tufan Ansari assaulted the son of the informant by iron rod causing fracture injury on his leg.

Considering the facts aforesaid, I am not inclined to



grant anticipatory bail to the petitioner No.1. Accordingly, the same is rejected.

So far as the case of the petitioner Nos.2, 3 and 4 are concerned, there is omnibus and general allegation and there is counter version.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioner Nos.2 to 4 namely, Kasim Miya, Jahur Ansari and Jahara Khatoon @ Johira Khatoon @ Johra Khatoon 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 bond 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 in connection with Turkauliya P.S. Case No.298 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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