

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37776 of 2018

Arising Out of PS. Case No.-721 Year-2017 Thana- SUPAUL District- Supaul

Hari Paswan, Son of Badri Paswan, Resident of village- Hardi Choughra,
Ward No. 03, Police Station- Supaul, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Kumar Mehta

For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-07-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 147,148,149,341,323,324,354,379 and 504 of the IPC and Sections 3 and 4 of Prevention of Witch Craft (Daayan) Act.

The prosecution case as per the written report of Sundar Devi submitted on 11.12.2017 to the SHO, Supaul Police Station is to the effect that on the same day at 8.00 A.M. when the informant was in her house, eight FIR named accused persons including the petitioner came variously armed. The petitioner addressed the informant as a witch and alleged that the informant has practiced witchcraft on his two sons as a result, they fell sick. When the informant made protest, on the order of co-accused Ravindra Paswan, co-accused Binod



Paswan and Satyanarayan Paswan pulled down the informant by catching hold of her hair and started assaulting with lathi and bamboo stick. It is alleged against the petitioner that he assaulted with iron rod on the head of the informant causing bleeding injury when the family member namely Baleshwar Paswan came to rescue, then he was also assaulted with lathi by co-accused Satyanarayan Paswan and Binod Paswan. Thereafter, daughter in law of the informant Anita Devi came to rescue, she was made naked by pulling her sari by co-accused Pramod Paswan. When the husband of the informant Birendra Paswan and mother-in-law Radha Devi came to rescue, they were also assaulted by accused persons. It is also alleged that on the order of Ravindra Paswan, this petitioner and co-accused Dashrath Paswan put excreta in the mouth of the informant. The accused persons also took away grains from the house of the informant.

It is submitted by learned counsel for the petitioner that the husband of the informant and the petitioner are own brothers though statement to that effect has not been made in the petition. There is counter version of the occurrence being Supaul P.S. Case No. 726 of 2017. It is further submitted that there is no accusation of repeating the blow and the injury has been found



to be simple and the accusation under section 354 of the IPC has not been levelled against the petitioner. Moreover, most of other accusations are cosmetic in nature.

Learned APP submits that the accusation is specific against the petitioner.

Considering the nature of dispute and relationship between the petitioner and the informant and that the impugned order does not depict that the informant received any grievous injury, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Supaul in connection with Supaul P.S. Case No. 721 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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