

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69695 of 2018

Arising Out of PS. Case No.-729 Year-2017 Thana- SUPAUL District- Supaul

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1. Md. Kabir, S/o Late Mansur Alam,
 2. Noor Alam @ Md. Noor Alam, S/o Late Mansur Alam, Both are resident of Village- Sukhpur, Ward No. 13, P.S. + District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Smt. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-12-2018

Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 379, 504 and 506/34 of the IPC and Sections 3 and 4 of the Prevention of Witch (Daain) Practices Act, 1999.

The prosecution case, got initiated with filing of the Complaint Case No. 370 of 2017 which ultimately came to be registered as police case after its being transferred under Section 156(3) of the Cr.P.C. to the Supaul police station. The prosecution case is that the accused persons came in the house of the complainant and started abusing the daughter of the complainant. On protest being made, the petitioner no. 1 Md. Kabir assaulted the complainant brutally with lathi whereas, it is



alleged against co-accused Khairun Khatoon that he pushed the complainant on the ground by catching hold her hair. Co-accused Sakina Khatoon also assaulted the complainant with feasts and slaps and Petitioner No. 2, Noor Alam tried to make her drink mixed with excreta . When the husband of the complainant came to rescue, he was also assaulted by the petitioner no. 2, Noor Alam and co-accused Hamida Khatoon with lathi and danda. It is also alleged that complainant's silver locket and a gold nose pin were snatched by the accused persons.

It is submitted by the learned counsel for the petitioners that petitioners are agnates of the complainant. It is further stated that for the alleged occurrence of 28.04.2017 and 10.05.2017, the complaint was filed on 15.05.2017, which came to be registered as a police case on 13.12.2017. There is also a counter-case lodged from the petitioners side being Complaint Case No. 56C of 2015. A statement has been made in paragraph 3 of the petition that the petitioners are not having criminal antecedent.

It is further submitted that the accusation of brutal assault with lathi has not been corroborated by medical report nor any injury has been found either on the person of the complainant



or on her daughter.

Learned APP submits that there is specific accusation against the petitioners.

Considering the delayed lodging of the case, the accusation not being supported by medical report, a counter case being filed by the petitioners side, coupled with the statement made in paragraph 3 that the petitioners are of clean antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned **C.J.M., Supaul** in connection with **Supaul P.S. Case NO. 729 of 2017** subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/Deepak/
Rahul/-

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