

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12090 of 2018

Arising Out of PS. Case No.-9 Year-2018 Thana- DUMRAUN District- Buxar

1. Harendra Paswan, Son of late Kail Paswan
2. Basgeet Paswan, Son of late Godhan Paswan
3. Charajeet Paswan, Son of Basgeet Paswan
4. Chuman Paswan, Son of Lal Babu Paswan
5. Rudal Paswan, Son of late Algu Paswan
All resident of Village-Dakhin Tola Dumraon, Ward No.26, Dumraon, P.S.-
Dumraon, District-Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections
143/341/323/448/379/504/506 of the Indian Penal Code,
Sections 3/4 of the Witch (Daain) Practices Act, 1999.

The prosecution case got initiated on the basis of written
report dated 08.01.2018 submitted by Manju Devi to the SHO,
Dumraon Police Station to the effect that on 08.01.2018 at 6.00
P.M., the informant and her husband were at home, in the
meantime, six accused, including the petitioners, being the
neighbours, came at the door of the informant and started
abusing them. On protest being made, the accused persons



addressed the informant as Witch and alleged that she has killed the wife of petitioner no.4, Chuman Paswan by practicing withch craft. Thereafter, the accused persons dragged the informant out of the house and assaulted her. On alarm, the villagers assembled, thereafter, the informant and her husband could be saved. It is also alleged that the petitioner no.4, Chuman Paswan entered into the house of the informant and took out Rs.5000/-.

It is submitted by learned counsel for the petitioners that for a petty dispute, the accusation has been levelled. There is no injury report on record. All the alleged offences are bailable except section 379 of the I.P.C. and Sections 3/4 of the Witch (Daain) Practices Act, 1999, which are more cosmetic in nature. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the State that the accusation is specific against the petitioners.

Considering the accusation being omnibus and general, except the specific accusation against petitioner no.4 of committing theft, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, 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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Buxar, in connection with Dumraon P.S. Case No.09/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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