

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52495 of 2017

Arising Out of PS.Case No. -360 Year- 2017 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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1. Ganesh Sah, S/o Late Mangal Sah,
2. Upendra Sah, S/o Ganesh Sah,
3. Shail Devi, W/o Ganesh Sah,
4. Anita Devi, W/o Vinod Sah,
All R/o Vill.- Godhwa Shanichra Tola, P.S.- Motihari Muffasil, District-
East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate.
For the Opposite Party/s : Smt. Nirmala Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-01-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Motihari Muffasil P.S. Case No. 360 of 2017** instituted for the offence under Sections 341, 342, 323, 324, 307, 354B, 504, 506/34 of the Indian Penal Code and Sections 3 & 4 of Prevention of Witch (Daain) Practices Act.

It is alleged in the written report that all the petitioners assaulted the wife of the informant by calling her witch. When the informant came to rescue her, then his brother Ganesh Sah (petitioner No. 1) assaulted him with *Garansa* on his head



whereas other accused persons assaulted him with iron rod and *danda*.

Learned counsel for the petitioners has submitted that the informant and petitioner No. 1 are own brothers and there is family dispute between the parties for share of land.

Case diary has been received.

The injury report of the informant is available in paragraph-21 of the case diary wherein the Doctor has found injury No. 1 on the left side of head of the informant measuring 2” x ¼” x skin deep which is simple in nature caused by hard blunt substance and injury No. 3 was found to be grievous in nature which was swelling over left forearm measuring 1” x 3” but that injury is not attributed to petitioner No. 1.

There is general and omnibus allegation against these petitioners of assaulting the informant.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Motihari Muffasil P.S. Case No. 360 of 2017**, they shall be released on anticipatory 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, Motihari, East Champaran, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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