

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70142 of 2018

Arising Out of PS. Case No.-307 Year-2018 Thana- ATRI District- Gaya

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Kara Chauhan @ Kara Chaohan Son of Ramdeo Chauhan @ Ramdev
Gamadar, Resident of Village- Teusa Beldari, P.S. Atri, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 379, 504/34 of the Indian Penal Code and Sections 3/4 of Prevention of Witch Craft Practices Act, 1991.

The prosecution case, as per the written report of Ram Pravesh Chauhan, submitted to the Station House Officer of Atri Police Station is to the effect that on 06.09.2018 at about 6.00 A.M., the informant was working near his house, in the meantime, the petitioner came and said that due to the witch craft practices of his wife, the wife of Surendra Chauhan has died. On protest being made by the informant, co-accused Anil Chauhan, Manoj Chauhan and the petitioner, Kara Chauhan came and started abusing and assaulting the informant and when



the wife of the informant, Gauri Devi and daughter, Rupa came to rescue him, they were also assaulted. It is further alleged that the petitioner assaulted the informant with an iron rod on his head causing bleeding injury. It is alleged also that other co-accused persons also assaulted the informant and co-accused Anil Chauhan snatched earring from the daughter of the informant worth Rs.15,000/-.

It is submitted by learned counsel for the petitioner that for a petty dispute, the accusation has been levelled. From the FIR, it does not appear that any grievous injury has been found on the informant. It is further submitted that for the occurrence of 06.09.2018 the FIR, though, was registered on same day but it reached to the learned Court below on 13.09.2018 which suggests that the FIR is antedated. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the genesis of the occurrence and the fact that no injury was caused to informant side, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named



petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Gaya in connection with Atri P.S. Case No. 307 of 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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