

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37859 of 2018

Arising Out of PS.Case No. -295 Year- 2017 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

=====

Babu Lal Sahni S/o Late Ghuran Sahani, R/o Vill.- Tajwa Koierganwa,
P.S.- Pipra, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar

For the Opposite Party/s : Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 04-07-2018

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, 324, 447, 354B, 326A, 379, 504, 506 of the Indian Penal
Code and Sections 3/4 of the Prevention of Witch (DAAIN)
Practices Act, 1999.

The prosecution case as per the written report
of Kanti Devi dated 22.11.2017 submitted to Station House
Officer, Motihari (East) Town P.S. is to the effect that six accused
persons including the petitioner came at the door of the informant.
Co-accused Radhika Devi abused the informant alleging that she



has practiced witch craft upon her child, as a result of which her child fell ill, hence, she asked her to do something for curing the child. In the meantime, co-accused Jagarnath Ram caught hold of the hair of the informant, pulled her down and asked other accused persons to administer night soil to the informant, when co-accused Rakesh Ram pulled the sari of the informant and others assaulted her. In the meantime, Radhika Devi brought night soil and tried to administer to the informant but on arrival of neighbouring people at the place of occurrence accused threw the container of night soil on body of informant and escaped from the scene. It is alleged that co-accused Jagarnath Ram brought acid and threw it on the informant causing acid burn injury. Co-accused Mohan Ram snatched gold chain and Rs.660/- from the informant.

It is submitted by learned counsel for the petitioner that the specific accusation pouring acid is against co-accused Jagarnath Ram and snatching of gold chain is against co-accused Mohan Ram. The accusation of assault is omnibus and general hence, the petitioner is simply a member of the mob. For the occurrence of 21.11.2017 the information was given to the police station 22.11.2017 when the FIR was registered on 23.11.2017. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.



Learned APP, however, submits that the petitioner is named in the FIR.

Considering the fact that specific accusation is against Radhika Devi, Jagannath Ram and Rakesh Ram, 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Pipra P.S. Case No. 295 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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