

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30580 of 2018

Arising Out of PS. Case No.-318 Year-2017 Thana- MADHUBAN District- East Champaran

1. Satyendra Baitha, Son of Laxman Biatha.
2. Babloo Baitha, Son of Satyendra Baitha.
3. Nathuni Baitha, Son of Bachu Baitha.
4. Chhotu Baitha, Son of Bachu Baitha.
5. Surendra Rai, Son of Late Satahu Rain.
6. Ranjeet Rain, Son of Surendra Rai.
7. Raj Mangal Rai, Son of Late Deo Narayan Rai.
8. Aulesh Rai, Son of Raj Mangal Rai.
9. Shambhu Rai, Son of Raj Mangal Rai.
10. Dipi Devi, Wife of Awadhesh Rai.

All are resident of Village- Kauriya More, Police Station- Madhuban,
District- East Champran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar
For the Opposite Party/s : Mr. Sri Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-05-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 143, 341, 323, 379, 504 and 506 of the IPC and Sections 3/4 of the Prevention of Witch (Daain) Craft Practice Act.

The prosecution case, as per the written report of Manju Devi, submitted to the Station House Officer, Madhuban Police Station, is to the effect that on 01.12.2017 at 8 P.M., 10 accused persons including petitioners came variously armed and started



abusing the informant. Thereafter the petitioner no.1, Satyendra Baitha, addressed the informant as a Witch and ordered to kill her, whereupon the accused persons started to assault the informant. In the meanwhile petitioner no.5, Surendra Rai, snatched silver locket from the neck of the informant, when petitioner no.3, Nathuni Baitha and petitioner no.7, Raj Mangal Rai, entered into the house of the informant, took away Rs. 15000/- cash and the documents pertaining to landed properties.

It is submitted by the learned counsel for the petitioners that the for the occurrence of 01.12.2017, the FIR was registered on 03.12.2017, which reached to the Court of the learned C.J.M. on 05.12.2017, which clouds the bona fide of the accusation levelled in the FIR. Petitioner nos. 5 to 10 are the agnates of the informant whereas petitioner nos. 1 to 4 are the friends of petitioner no. 5, hence, they have been roped in the present case. There is no injury caused to the informant and petitioner no. 5, Surendra Rai had earlier lodged Madhuban P.S. Case No. 281 of 2017, against the informant on 02.11.2017 with accusation under Sections 341, 323, 324, 379 and 504/34 of the IPC, whereas the present case has been registered on 03.11.2017.

A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.



Learned APP submits that the petitioners are named in the
FIR.

Considering the delayed lodging of the case coupled
with statement made in the paragraph no. 3 of the petition that
the petitioners are not having any criminal antecedent moreover
it appears that no injury has been caused to the informant, 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 Additional Chief
Judicial Magistrate-IV, East Champaran, in connection with
Madhuban P.S. Case No.318 of 2017, subject to the condition
as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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