

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15003 of 2018

Arising Out of PS.Case No. -94 Year- 2017 Thana -CHAUTHAM District- KHAGARIA

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1. Dulari Devi, W/o Jay Kishore Singh,
2. Sarita Devi W/o Ajay Singh,
3. Mukesh Kumar S/o Upendra Singh,
4. Mahendra Singh S/o Late Kuldeo Singh,
5. Rabina Singh S/o Mahendra Singh,
6. Ajay Singh S/o Late Kuldeo Singh,
7. Rupesh Kumar S/o Jay Kishore Singh,
8. Dharmendra Kumar S/o Jai Kishore Singh, All R/o Village- Adabari,
P.S.- Chautham, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.16967 of 2018

Arising Out of PS.Case No. -94 Year- 2017 Thana -CHAUTHAM District- KHAGARIA

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1. Harinandan Kumar Son of Jaikishore Singh
2. Arbind Kumar@ Arvind Singh Son of Mahendra Singh
3. Dipak kumar Son of Ajay Singh All resident of Village- Adabari, P.S.
Chautham, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.15003 of 2018)

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh 1

(In Cr.Misc. No.16967 of 2018)

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 15-05-2018 Heard the parties.

The petitioners are apprehending their arrest in connection



with Chautham P.S.Case no.94 of 2017 , registered for offences punishable under Sections 147, 148, 149, 341, 323, 379, 307 and 504 & 506 of the Indian Penal Code and Section 34 of the Witch (Diane) Practices Act.

Allegation against the petitioners is of assault to the mother-in-law of the informant calling her witch and against the petitioner no.6 of Cr. Misc. No.15003 of 2018 (Ajay Singh) for giving order for administering night soil to the mother-in-law of the informant.

Submission of the learned counsel for the petitioners is that there is case and counter case and various paragraphs of the case diary show that there is dispute with respect to playing carom between the children of the parties and no such occurrence has taken place as mentioned in the case diary.

Heard learned A.P.P. also, who has opposed the prayer for bail stating that in the case diary, there is mentioning about administering night soil .

Having heard both sides and in view of the facts and circumstances, as stated above, so far petitioner no.6 (Ajay Singh) of Cr. Misc. No.15003 of 2018 is concerned, I am not inclined to grant privilege of the anticipatory bail to him, rather let the petitioner no.6 surrender before the learned court below and make prayer for regular bail, which will be considered.



So far other petitioner nos. 1 Dulari Devi, 2. Sarita Devi, 3. Mukesh Kumar, 4. Mahendra Singh, 5. Rabin Singh, 7. Rupesh Kumar & 8. Dharmendra Kumar of Cr. Misc. No.15003 of 2018 and petitioner no.1 Harinandan Kumar, 2. Arbind Kumar @ Arvind Singh and Dipak Kumar of Cr. Misc. No.1.6967 of 2018 are concerned, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Khagaria in connection with Chautham P.S.case No.94 of 2017, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of their bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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