

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61966 of 2018

Arising Out of PS.Case No. -135 Year- 2018 Thana -MANIGACHI District- DARBHANGA

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1. Kailu Sahni @ Kailash Sahni, S/o Sitaram Sahni, Resident of VillIndrathar, P.S.-Manigachhi, Distt-Dharbhanga.
 2. Om Prakash Sahni, S/o Musharu Sahni, R/o Village-Rahmaganj, Thana Naka No. 6 P.S. Manigachhi, Distt.-Dharbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 06-10-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 341, 323, 307, 504, 354 of the Indian Penal Code and Sections 3/4 of Prevention of Witch Practices Act, 1999.

The prosecution case as per the written report submitted by Amar Sahni to the Station House Officer, Manigachhi P.S., is to the effect that on 07.07.2018 at 9.00 P.M. eight accused persons came variously armed and started abusing. It is further alleged that petitioner no. 1 Kailu Sahni conveyed to the informant that the wife of the informant, Purnima Devi is a



witch and she has practiced witch craft on the daughter of the informant started assaulting the informant and when the wife, Purnima and son of the informant, Amar Sahni came to rescue him, they were also assaulted. It is further alleged that all the accused persons pushed down the wife of the informant and disrobed her.

It is submitted by learned counsel for the petitioners that the petitioners are agnates of the informant and in the background of land dispute, the accusation has been levelled against the petitioners. It is further submitted that at earlier point of time, the petitioners' side lodged Manigachhi P.S. Case No. 132 of 2018 against the informant side. Injuries have been found simple in nature and a statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the accusation is specific in the FIR against the petitioners.

Considering the genesis of the occurrence, the FIR was registered on 08.07.2018 which reached to the Court of learned ACJM on 16.07.2018, which reflects that the FIR has been registered by antedating and the case lodged by the petitioner's side is at earlier point of time, injuries being found simple in



nature and a statement made to the effect that the petitioners are not having any criminal antecedent, let the above named petitioners 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) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 5th, Darbhanga in connection with Manigachhi P.S. Case No. 135 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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