

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6270 of 2019

Arising Out of PS. Case No.-1554 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Sitalal Sah, Son of Late Shankar Sah, aged about 50 years, Male
 2. Meena Devi, Wife of Sitalal Sah, aged about 47 years, Female.
 3. Ranjan Kumar, Son of Sitalal Sah, aged about 23 years, Male
 4. Arti Kumari Daughter of Sitalal Sah, aged about 22 years, Female.
 5. Manager Sah, Son of Late Mahabir Sah, aged about 65 years, Male, All are Resident of Village – Lagunia, P.S.-Paharpur, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar and ANR Bihar
2. Anwari Khatoon, aged about 55 years, Wife of Imam Mian Resident of Village - Lagunia

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2019 Heard learned counsels for the petitioners and the State.

It is submitted by learned counsel for the petitioners that petitioner no.1, Sitalal Sah has been arrested, hence he seeks permission to withdraw the present application with regard to petitioner no.1.

Permission is accorded.

Accordingly, application with regard to petitioner no.1 is dismissed as withdrawn.

So far as petitioner nos. 2 to 5 are concerned, they are apprehending arrest in a complaint case wherein process has



been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 380, 452 and 504/34 of the IPC and Sections 3/4 of the Prevention of Witch (Daain) Practices Act.

The prosecution case, as per the complaint petition is that on 30.07.2018 at 8 P.M., the daughter-in-law of the complainant was cooking food and the complainant was getting the children entertained, in the meantime, the accused persons entered into the house and alleged that the complainant is a witch and has played witch craft on the children of the accused persons. It is alleged that the accused persons dragged the complainant by catching hold her hair and assaulted her with fists and slaps. It is further alleged that on the order of petitioner no.2, Meena Devi, petitioner no.3, Ranjan Kumar disrobe the complainant.

It is submitted by learned counsel for the petitioners that the petitioners are the neighbour of the complainant and in the background of disputed relationship, the accusation has been levelled against the petitioners. It is further submitted that for the occurrence of 30.07.2018, the complaint was filed on 02.08.2018, and from the complaint petition, it does not appear that any injury was caused to the complainant.

Learned APP submits that accusation against the



petitioners is specific.

Considering the delayed filing of the complaint and the nature of accusation, let the above named petitioner nos. 2 to 5 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 Judicial Magistrate-2nd Class, Motihari in connection with Complaint Case No. 1554 of 2018, 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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