

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9949 of 2019

Arising Out of PS. Case No.-103 Year-2018 Thana- NAUTAN District- West Champaran

1. Aklu Sah, Son of Devi Sah Resident of Village - Khadda, Bangala Tola, P.S-Nautan, District- West Champaran.
2. Satan Sah, Son of Durga Sah Resident of Village - Khadda, Bangala Tola, P.S-Nautan, District- West Champaran.
3. Raj Kumar Sah, Son of Aklu Sah Resident of Village - Khadda, Bangala Tola, P.S-Nautan, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta
For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-03-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 447, 341, 323, 308, 354, 379, 504 and 506/34 of the IPC.

The prosecution case, as per the fardbeyan of Prem Sah recorded by S.I. of Police, Bettiah Town Police Station on 26.02.2018, at M.J.K. Hospital, is to the effect that 23.02.2018, at about 4.30 P.M., the informant was sitting near his door, in the meantime, nine accused persons including the petitioners came variously armed and started abusing the sister-in-law of



the informant, when co-accused Mahesh Sah assaulted with iron rod on the head of Meena Devi and when the informant came to rescue her, petitioner no.1, Akalu Sah, assaulted with iron rod on his head and when Tetari Devi and Shanti Devi came to rescue him, then co-accused, Mahesh Sah assaulted with iron rod on the right arm of Shanti Devi when petitioner no.3, Rajkumar Sah and co-accused Ajay Sah and Anwat Sah assaulted the informant's side with lathi. It is further alleged that co-accused Mahesh Sah started dragging Shanti Devi by catching hold on her hair and tore her cloth. It is further alleged that co-accused, Taramuki Devi and Sugakti Devi and Sita Devi were addressing Shanti Devi as a witch when petitioner no.1 claimed that his son is suffering from epilepsy due to witch craft being practiced by Meena Devi.

It is submitted by learned counsel for the petitioners that the petitioners are agnates of the informant and the accusation of assault has been levelled in the background of some apprehension that the sister-in-law of the informant, Meena Devi used to practice witch craft. It is further submitted that for the alleged occurrence of 23.02.2018, the fardbeyan of the informant was recorded on 26.02.2018 when the FIR was lodged on 09.03.2018. The injuries of the informant's side have



been found simple. 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 accusation is specific against petitioner nos. 1 and 3.

Considering the genesis of occurrence and the injuries of the informant's side being found superficial simple in nature, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, 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 Judicial Magistrate-1st Class, West Champaran, Bettiah in connection with Nautan P.S. Case No. 103 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

