

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21285 of 2019

Arising Out of PS. Case No.-249 Year-2018 Thana- PAHARPUR District- East Champaran

1. SUSHILA DEVI Wife of Sudama Chaudhary Resident of Village - Sareya Bazar, P.S.- Paharpur, Distt - East Champaran.
2. Sudama Chaudhary Son of Chhathu Chaudhary Resident of Village - Sareya Bazar, P.S.- Paharpur, Distt - East Champaran.
3. Upendra Chaudhary Son of Sudama Chaudhary Resident of Village - Sareya Bazar, P.S.- Paharpur, Distt - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2019 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341,323,324,308,379 and 504/34 of the IPC and Sections 3 and 4 of The Prevention of Witch (daain) Practices Act, 1999.

The prosecution case as per the written report of Singarpatti Devi submitted to the SHO, Paharpur Police Station is to the effect that on 9.9.2018 at 7.00 A.M., the informant went to a nearby grocery shop when the son of petitioner no. 2 was milking the she-buffalo. It is further alleged that after seeing the informant, the she-buffalo jumped and stopped giving milk,



whereupon, the accused persons started abusing the informant , called her witch and on protest being made by the informant, the FIR named accused persons including the petitioners pushed her on the ground and petitioner no. 3 assaulted the informant with a spade causing injury. When the informant's son came to rescue, he was also assaulted by the petitioners and other accused persons. The accused persons also snatched the informant's gold chain.

It is submitted by learned counsel for the petitioners that in the background of petty dispute, the accusation has been levelled against the petitioners. It is further submitted that the injury of the informant has been found simple and there is counter version of the occurrence being Paharpur P.S. Case No. 251 of 2018. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

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

Considering the genesis of the occurrence, statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent and the injury of the informant being simple in nature, let the petitioners above named be



released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Motihari, East Champaran in connection with Paharpur P.S. Case No. 249 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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