

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16473 of 2019

Arising Out of PS. Case No.-124 Year-2018 Thana- Gopalpur District- West Champaran

1. Hira Sahni, Son of Yadolal Sahni Resident of Village - Mahesara Malahi Tola, P.S.- Gopalpur, Distt.- West Champaran.
2. Bachiya Devi @ Buchiya Kumari Wife of Yadolal Sahni Resident of Village - Mahesara Malahi Tola, P.S.- Gopalpur, Distt.- West Champaran.
3. Wakil Chaudhary Son of Late Yogi Chaudhary Resident of Village - Mahesara Malahi Tola, P.S.- Gopalpur, Distt.- West Champaran.
4. Dukhi Chaudhary Son of Late Yogi Chaudhary Resident of Village - Mahesara Malahi Tola, P.S.- Gopalpur, Distt.- West Champaran.
5. Chhathu Chaudhary Son of Late Yogi Chaudhary Resident of Village - Mahesara Malahi Tola, P.S.- Gopalpur, Distt.- West Champaran.
6. Dhanmatiya Devi Wife of Late Yogi Chaudhary Resident of Village - Mahesara Malahi Tola, P.S.- Gopalpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 15-03-2019 Heard the learned counsel for the petitioners and

the State.

The petitioners seek bail in anticipation of their

arrest in connection with Gopalpur P. S. Case No. 124 of

2018 dated 01.09.2018 instituted for the offences under

Sections 341, 323, 324, 313, 504 and 34 of the Indian

Penal Code and Sections 3 and 4 of the Prevention of Witch

(Daain) Practices Act, 1999.



The informant and her mother-in-law are alleged to have been assaulted at the hands of the petitioners. The informant has stated that she was pregnant for eight months. The occurrence is said to have taken place on 23.08.2018. Though the informant was examined by the doctor at the instance of the police on 23.08.2018 only but no external injury was found on her person and the foetus in the womb of the informant was found to be alive and kicking. It appears that after the death of the foetus on 27.08.2018, the subject F.I.R. was lodged. It further appears that prior to the registration of the subject F.I.R., one Lalsa Devi has also filed a case against the husband of the informant vide Gopalpur P. S. Case No. 126 of 2018.

The petitioners and the informant are agnates and because of some dispute, the present case has been lodged.

The occasion for falsely implicating the petitioners arose when the informant aborted for some other reasons and definitely not because of assault by the petitioners. Had it not been the case, the injury report prepared on 23rd of August, 2018, i.e., the date of occurrence, the doctor would



easily have found some anomaly with the pregnancy of the informant.

Considering the afore-stated facts, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Gopalpur P. S. Case No. 124 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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