

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23633 of 2019**

Arising Out of PS. Case No.-114 Year-2017 Thana- GOH District- Aurangabad

Shamim @ Shamim Ansari Son of Md. Kayam Ansari, Resident of Village-
Mirpur, Police Station- Goh, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Chandra Bhaskar, Advocate

For the State : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 01-08-2019

Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends arrest in connection
with Goh PS Case No. 114 of 2017 dated 05.09.2017 instituted
under Sections 147/149/341/323/354/509/379/307/427 of the
Indian Penal Code and 3/4 of the Prevention of Witch Practices
Act, 1999.

3. The allegation against the petitioner and nine
others as well as 8-10 unknown persons is of assault and also
trying to kill the informant on the pretext of her being a witch.

4. Learned counsel for the petitioner submitted
that he has not been named in the FIR and implicated only later



on and no direct/specific overt act is attributed to him, as the allegation is only general and omnibus of assault. It was submitted that there was absolutely no reason for the petitioner to have assaulted the lady as it is alleged that the reason was that the son of co-accused Mahboob Ansari had died and another co-accused Tauhid Ansari @ Ojha had raised suspicion against the petitioner that she was a Witch. Learned counsel further submitted that the petitioner has no criminal antecedent. It was submitted that co-accused Arman Ansari; Naushad Ansari @ Naushad; Jamir Ansari @ Jamil Ansari; Mumtaz Ansari and Mahbub Ansari have been granted anticipatory bail.

5. Learned APP, from the case diary, could not controvert the fact that the petitioner besides being not named in the FIR, nothing has come against him with regard to any direct or overt act of assault on the lady.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Daudnagar, Aurangabad in Goh PS Case No. 114 of



2017, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. One of the bailros shall be a close relative of the petitioner.

(Ahsanuddin Amanullah, J)

Anjani/-

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