

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31803 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- PIPRAKOTHI District- East Champaran

1. Rajesh Sah @ Rajesh Kumar, aged about 21 years (M), S/o Ramchandra Sah.
2. Anoj Sah @ Anoj Kumar Sah, aged about 35 years (M), S/o Ramchandra Sah.
3. Munna Sah, aged about 19 years (M), Son of Anoj Sah.
4. Ramchandra Sah, aged about 68 years (M), Son of Late Ratan Sah
All residents of Village- Bathna, P.S.- Piprakothi, District- 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.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 14-05-2019 Heard learned counsel for the petitioners and

learned counsel for the State.

In this case, the petitioners are apprehending their arrest in connection with Piprakothi P.S. Case No. 36 of 2019 registered for offences under sections 341, 323, 324, 307, 379, 354, 506/34 of the Indian Penal Code and Section 3/4 of the Witch Practices Act.

As per allegation, the accused persons came to the house of the victim lady and started abusing and assaulting. Further allegation has been made that the victim was administered the night-soil and, later on, her hair was cut and



they made her half naked as also assaulted with fists and leg.

There is a case and counter case from both sides.

Learned counsel for the petitioners submits that there is no specific allegation against the petitioner no.2 Anoj Sah @ Anoj Kumar Sah and the petitioner no.4, Ramchandra Sah but, on perusal of the First Information Report, it appears that petitioner no.2 was instrumental in administering the night-soil.

There is no specific allegation of any overt act against the petitioner no.4.

Accordingly, let the petitioner no.4, namely, Ramchandra Sah, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Piprakothi P.S. Case No. 36 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the privilege of grant of anticipatory bail shall be deemed to have



been canceled.

However, this Court is not inclined to grant privilege of anticipatory bail to the rest of the petitioner nos. 1, 2 & 3 respectively.

Accordingly, the prayer for petitioners nos. 1, 2 & 3, above named, is rejected.

If they surrender before the court below within a period of three weeks from today and pray for bail, the court below, without being prejudiced by this order, will take a decision in accordance with law.

(Shivaji Pandey, J)

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