

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36165 of 2019

Arising Out of PS. Case No.-266 Year-2018 Thana- BIBHUTIPUR District- Samastipur

1. Mohit Paswan @ Mohit Kumar Paswan Son of Ram Vinod Paswan, aged about 21 years, Male.
 2. Bhuneshwar Paswan Son of Kusheshwar Paswan, aged about 35 years, Male
 3. Ram Binod Paswan Son of Kusheshwar Paswan, aged about 48 years, Male
 4. Rekha Devi Wife of Vinod Paswan @ Ram Binod Paswan, aged about 46 years, Female
 5. Punam Devi Wife of Bhuneshwar Paswan, aged about 30 years, Female
- All are resident of Village - Shivnathpur, P.S.- Bibhutipur, District- Samastipur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh, Advocate
For the Opposite Party/s : Mrs.Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-08-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners, in the present case, are seeking anticipatory bail in connection with Bibhutipur P.S. Case No. 266 of 2018 registered under Sections 307, 323, 324, 34, 341, 448, 504, 506 of the Indian Penal Code and Section 3 & 4 of Prevention of Witch (Dain) Practices Act.

As per the First Information Report one Rikko Devi lodged the F.I.R. alleging that Mohit Kumar Paswan (petitioner no. 1) had taken an accommodation loan of Rs. 2000/- from the informant and whenever the informant was demanding her



money he was making promise to return the same. It is alleged that his brother died two months back, one month thereafter the informant demanded her money from Mohit Paswan but then he refused to give the money saying that the informant was a Witch and his brother died due to the Witch-craft allegedly played by the informant. The informant alleged that on 11.09.2018 Mohit Paswan and other accused persons entered in the house of the informant, forcibly took her out of her house alleging that she had killed the brother of Mohit Paswan, the informant was assaulted by Mohit Paswan with iron rod on her head which caused injury. Ram Binod Paswan allegedly torn her 'Sari' and 'Blouse'. Bhuneshwar Paswan snatched away her gold 'Jitia' and the other accused Rekha Devi and Punam Devi had also assaulted.

Learned counsel for the petitioner submits that the entire allegations are false and baseless. The alleged occurrence is said to have taken place on 11.09.2018 whereas the F.I.R. was lodged one week after the alleged occurrence. It is further stated that the allegation of giving iron rod blow on the head of the informant by Mohit Paswan is not corroborated from the injury report (Annexure '2'). The only injury found on the husband of the informant namely Rajendra Paswan is that of an abrasion on



forehead caused by hard and blunt substance which is simple in nature.

Learned A.P.P. for the State is present and has opposed the prayer for anticipatory bail but from the materials available on the record this court is of the opinion that at this stage petitioner deserve privilege of anticipatory bail.

In the given facts and circumstances of the case, in the event of their arrest/surrender before the court below within a period of six weeks, let the above-named petitioners be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Rosera, District – Samastipur, in connection with Bibhutipur P.S. Case No. 266 of 2018, subject to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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