

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41866 of 2019

Arising Out of PS. Case No.-539 Year-2018 Thana- MUFFASIL District- West Champaran

1. Taj Mohammad Ansari, 28 years M, Son of Jaharuddin Miyan @ Jahirddin Miyan @ Jaharddin Miyan
 2. Najre Alam 28 years M, Son of Jaharuddin Miyan @ Jaharddin Miyan
 3. Jaharuddin Miyan @ Jahirddin Miyan @ Jaharddin Miyan, 55 Years M, Son of Late Asim Miyan
 4. Rabeya Khatoon, 50 years F, Wife of Jaharuddin Miyan
 5. Tamanna Khatoon , 22 years F, daughter of Jaharuddin Miyan
- All residents of Village - Tuniya, Bishunpur, P.S.- Manuapul, District- West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mrs. Rashmi Jha, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 09-07-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 447, 323, 354 and 379/34 of the Indian Penal Code and Section 3/4 of the Witchcraft Practices Prohibition Act, 1999 registered in connection with Bettiah Muffasil (Manuapul) P.S. Case No. 539 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of petty dispute between the parties who are admittedly neighbours. No injury has been caused to anyone and as such, the accusation of assault is not corroborated. The accusations under Section 354 of the IPC and under the provisions of Witchcraft Practices Prohibition Act are mere embellishment. The petitioners claim clean antecedents.



4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Bettiah Muffasil (Manuapul) P.S. Case No. 539 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioner nos. 1, 2 and 3 shall remain physically present in court on each and every date during trial and petitioner nos. 4 and 5 shall be well represented in court on each and every date during trial except as and when directed by the learned Court to be physically present, in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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