

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3561 of 2018

Arising Out of PS. Case No.-107 Year-2018 Thana- MADHUBAN District- East Champaran

1. Bhagwan Rai, son of late Mangal Rai
2. Wakil Rai son of Late Lakhan Rai
3. Brij Kishor Rai son of Late Mangal Rai
4. Arbind Rai son of Ramanand Rai
5. Shyam Kumar @ Shyam Kumar Sah son of Wakil Rai All are resident of village - Tikkam, Police Station Madhuban, District - East Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Kumar, Advocate
For the Respondent/s	:	Mr. Kundan Rathore, Advocate
For the State	:	Mr. Sadanand Paswan, S.P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 16-01-2019

Heard the parties.

The appellants seek anticipatory bail in connection with A.B.P. No. 1792 of 2018 arising out Madhuban P.S. Case No. 107 of 2018, registered for offences punishable under Sections 147, 341, 323, 324, 379, 504 and 506 of the Indian Penal Code and Section 3 (I) (r) (s) 13 (2) (v) (a) SC/ST Act and 3/4 of Prevention of Witchcraft (Dian) Practices Act.

Allegation as per F.I.R. against the appellants is that all the accused persons came in drunken condition and assaulted and calling the informant as Dian and appellant No.2 Wakil Rai poured Kerosene oil on her body and asked to set her on fire and



they tried to flee away and appellant No. 1, Bhagwan Rai assaulted the husband of the informant with knife blow and Arbind Rai inflicted knife blow on the head of the husband of the informant.

Earlier the appeal with respect to appellant Bhagwan Rai was dismissed and withdrawn as he was arrested vide order dated 07.12.2018.

Submission of the learned counsel for the appellants submits that all injuries are simple in nature except one injury found on the person of the husband of the informant, is grievous in nature and attributed to Bhagwan Rai.

Heard learned Special P.P. as well as learned counsel for the informant, who opposes the prayer for bail stating that one injury is grievous in nature, which is attributed to Bhagwan Rai.

Having heard both sides and in view of the facts and circumstances as discussed above, let the appellant Nos. 2 to 5, in the event of their arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-cum- Special Judge, SC/ST (POA) Act, East Champaran at Motihari IN A.B.P. NO. 1792 of 2018 arising out of Madhuban P.S. Case No. 107 of 2018,



subject to the condition that as laid down under Section 438 (2) of the Code of Criminal procedure with conditions that one of the bailors of the appellants shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.

With the above direction, this appeal is allowed and the impugned order is set aside with respect to appellant Nos. 2 to 5.

(Vinod Kumar Sinha, J)

sudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.01.2019
Transmission Date	29.01.2019

