

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47131 of 2019

Arising Out of PS. Case No.-31 Year-2019 Thana- PASRAHA District- Khagaria

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1. BHARAT SINGH, aged about 65 years, Male, Son of Nathan Singh, Resident of Village - Mahaddipur, P.S.- Pasraha, District - Khagaria
 2. Smt. Sudha Devi, aged about 60 years, Female, Wife of Bharat Singh, Resident of Village - Mahaddipur, P.S.- Pasraha, District - Khagaria

... Petitioners

Versus

1. The State of Bihar
2. Rekha Devi, wife of Uma Kant Singh, resident of village Mahaddipur, P.S. Pasraha, district Khagaria

... Opposite Parties

Appearance :

For the Petitioners	:	Mr. Mrityunjay Kumar, Adv.
For the State	:	Mr. Chandra Bhushan Prasad, APP
For OP No. 2	:	Mr. Ranjeet Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 01-10-2019 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the state and the learned counsel appearing for opposite party no. 2.

The petitioners seek pre-arrest bail in connection with Pasraha P.S. Case No. 31 of 2019 (G.R. No. 540 of 2019) for the offences alleged under Sections 354B, 307, 506 and 504 of the Indian Penal Code, 3 and 4 of the Witch Craft Act and 27 of the Arms Act.

The accusation is that on 17.08.2018, six persons, named in the first information report, including the petitioners, entered in the house of opposite party no. 2, Rekha Devi, caught hold her hair and started to pull. When, Uma Kant Singh,



husband of opposite party no. 2 and her son, rushed to save her, then, Kishori Singh, pointed the pistol and threatened them to kill. The informant was being dragged in which her blouse torn and she became naked. The accused persons assaulted them also. At that time, Preetam Kumar took Rs.70,000/- kept in the almirah and Dilip Kumar took the gold chain worth Rs.1,00,000/-, regarding said occurrence she gave information on 20.08.2018 through registered application. In the meantime, one accused person, Raso Singh, died. All the accused persons again came in the house of the informant and started to assault the informant and others in which the informant became unconscious, then, all moved from there.

The submission of the learned counsel for the petitioners is that the petitioners and others accused, named in the complaint petition of opposite party no. 2, which is the basis of the first information report, are agnates of the informant and due to petty dispute opposite party no. 2 lodged the Complaint Case No. 1081C of 2018 in the Court of the Chief Judicial Magistrate, Khagaria, which is the basis of the present case. More over, no apparent injury was found on the persons of opposite party no. 2, her husband and son. Further, submission is that while both the petitioners were allowed provisional



anticipatory bail vide order, dated 31.07.2019, but, due to unavoidable circumstances both could not furnish the bail bonds in the light of the said order.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Pasraha P.S. Case No. 31 of 2019 (G.R. No. 540 of 2019) shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Khagaria, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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