

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47794 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- DHAKA District- East Champaran

1. Nurain S/o- Md. Daud
 2. Samima Khatoon W/o- Md. Daud
 3. Rukhsar D/o- Md. Daud
- All are residents of Village- Karsahiya, P.S.- Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-07-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

The petitioners apprehend their arrest in connection with Dhaka P.S. Case No. 40 of 2019, registered under Sections 342/448/323/324/308/379/504/506/34 of the Indian Penal Code and Section 3/4 of the Witch Practices Act.

The allegation against the petitioners, as per the FIR, is that the petitioners including other accused persons armed with *lathi*, *danda*, *farsha* and iron rod, surrounded her and started abusing and calling *Dain*. It has further been alleged that when the informant objected, the petitioner no.1, Nurain, gave *farsha* blow on the head of the informant, which hit on her hands, causing injury. It has also been alleged that other accused



persons assaulted with *lathi*, *danda* and iron rod indiscriminately, due to which, she felt pain in her chest, abdomen and waist. It has further been alleged that petitioner nos. 2 and 3 handed over night soil to Mohd. Daud, who forcibly put the same in the mouth of the informant.

Learned counsel for the petitioners submits that petitioners and the side of the prosecution are own *Gotias*, there is case and counter case and there is admitted land dispute between them inasmuch as the petitioners had lodged an FIR bearing Dhaka P.S. Case No. 31 of 2019 against the informant and her family members. He further submits that there is land dispute between them and due to which the present case has been lodged. He further submits that police after investigation did not find the allegation of snatching gold chain, cash and putting night soil in the mouth of the informant true and no injury caused on the vital part of the body, which would be evident from the impugned order as the Sessions Court called for the case diary and learned Sessions Judge did not discuss about the injury.

After having heard learned counsel for the parties and taking into consideration the fact that both the parties are own *Gotias* and there is admitted land dispute and no serious injury



has been caused to the informant as per the material available on record, I am inclined to grant anticipatory bail to the petitioners.

This application is, accordingly, allowed.

Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sikrahna at Dhaka, East Champaran, Motihari in connection with Dhaka P.S. Case No. 40 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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