

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72010 of 2019

Arising Out of PS. Case No.-246 Year-2019 Thana- DUMRA District- Sitamarhi

1. SURYAKALA DEVI (female), aged about 48 years, Wife of Bindeshwar Rai
2. Ram Vishwas Rai @ Ram Vishwan Rai (male), aged about 45 years, Son of Late Jai Nandan Rai
3. Manju Devi (female), aged about 45 years, Wife of Ram Vishwas Rai @ Ram Vishwan Rai
4. Sohan Kumar (male), aged about 21 years, adopted Son of Bindeshwar Rai all Resident of Village- Paktola, P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 26-11-2019 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 354(B), 504, 147, 149 and 506 of the Indian Penal Code and Section 3/4 of Prevention of Witch Craft Act.

Informant in her written complaint has alleged that her co-villager Bindeshwar Rai, who is issueless, always called her witch and also abused her and his wife Suryakala Devi blamed her to harm his family by practising black magic as



such their children remained ill. It is further alleged that on 17.06.2019 at 11 p.m., when she was sleeping in her courtyard, accused, Bindeshwar Rai, Sohan Kumar (petitioner), Suryakala Devi (petitioner), Ram Vishwas Rai (petitioner), Manju Devi (petitioner), Nitish Kumar and Rohit Kumar entered her house and assaulted her. Bindeshwar Rai and Ram Viswas Rai disrobed her and Manju Devi and Suryakala Devi assaulted her by fists and slaps. On alarm being raised, her neighbour came and rescued her.

It has been submitted on behalf of the learned counsel for the petitioners that they are innocent and have been falsely implicated in this case due to animosity. There is case and counter case. Petitioner no.2 has lodged a case against informant as contained in Annexure 2. Petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned court below in connection with Dumra P.S. Case No.246 of 2019 subject to the condition



as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bonds.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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