

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66630 of 2019

Arising Out of PS. Case No.-48 Year-2019 Thana- MADHEPUR District- Madhubani

1. Bale Mukhiya @ Baleswar Mukhiya, Male, Aged about 60 years, Son of Lulai Mukhiya @ Lulhai Mukhiya, Resident of Village Bhith-Bhagwanpur, P.S. Madhepur, District- Madhubani.
2. Manoj Mukhiya, Male, Aged about 40 years, Son of Bale Mukhiya @ Baleswar Mukhiya, Resident of Village Bhith-Bhagwanpur, P.S.- Madhepur, District- Madhubani
3. Ramesh Mukhiya, Male, Aged about 35 years, Son of Bale Mukhiya @ Baleswar Mukhiya, Resident of Village Bhith-Bhagwanpur, P.S. Madhepur, District- Madhubani
4. Suresh Mukhiya @ Suresh Kumar Mukhiya, Male, Aged about 28 years, Son of Bale Mukhiya @ Baleswar Mukhiya, Resident of Village - Bhith-Bhagwanpur, P.S.- Madhepur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Suresh Mishra, Advocate Mr. Govind Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 23-10-2019 Heard both sides.

The petitioners apprehend their arrest in Madhepur P.S.
Case No.48 of 2019, registered under Sections 341, 323, 379,
354(B), 504, 506 and 34 of the Indian Penal Code and 3/4 of the
Prevention of Witch (Daain) Practices Act, 1999.

The informant alleged that while she was returning to
her house along with her mother-in-law, all the four petitioners
surrounded her. They were calling her witch and they put excreta
in her mouth with a view that the informant could not be able to



cast any witch craft.

Learned counsel for the petitioners submits that there is a land dispute between the two sides. The informant is the wife of Shrawan Mukhiya. The occurrence took place on 06.04.2019 but the FIR was lodged on 08.04.2019. No satisfactory explanation for delay in lodging the case after two days of the occurrence is given in the FIR. It is further submitted that Shrawan Mukhiya, the husband of the informant, filed petition against the petitioners before the Sub-divisional Officer, Jhanjharpur on account of land dispute and on the basis of which a proceeding under Section 107 Cr.P.C. was initiated calling upon the petitioners on 23.10.2018 to show cause as to why they be not asked to execute the bonds for keeping peace. On account of such dispute, the informant lodged the case.

It appears that prior to institution of the case, the husband of the informant lodged complaint against the petitioners on account of land dispute and on such a proceeding under Section 107 Cr.P.C. was initiated and the petitioners were called upon to show-cause as to why they be not directed to furnish bonds for keeping peace. The present occurrence is said to have taken place on 06.04.2019 but the FIR was lodged on 08.04.2019. The informant is the wife of Shrawan Mukhiya who is the first party in a proceeding under Section 107 Cr.P.C.



Taking into consideration the facts aforesaid, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Jhanjharpur, Madhubani in connection with Madhepur P.S. Case No.48 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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