

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71836 of 2019

Arising Out of PS. Case No.-59 Year-2017 Thana- BARHAT District- Jamui

KARU MARANDI Son of Late Nima Marandi Resident of Village-
Kaduatari, P.S.- Barhat, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Prasad, Adv.

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 The present matter has been listed before this Court,

in view of the notification printed in the daily cause list under

the orders of Hon'ble the Chief Justice due to non-availability of

the appropriate Bench (Hon'ble Mr. Justice Hemant Kumar
Srivastava).

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 354B, 323, 5047,
452, 380, 307/34 of the Indian Penal Code and Sections 3/4 of
the Prevention of Witch (Daain) Practices Act, 1999.

Initially, the prosecution case got initiated with filing of
Complaint Case No.119/2015, which came to be registered as
police case, being Barhat P.S Case No.59 of 2017, after its being
transferred under Section 156(3) of the Code of Criminal



Procedure to the police for investigation.

It is alleged that on 28.01.2015, the accused persons variously armed entered into the house of the informant and started abusing and addressing the informant as a Witch. The accused persons also assaulted the minor children of the informant causing grievous injuries.

It is submitted by learned counsel for the petitioner that the accusation of assault is omnibus and general and the petitioner is the agnate of the informant. It is further submitted that the impugned order does not suggest any any grievous injury being caused to the informant and her minor children. Moreover, similarly situated co-accused, Birendra Marandi, Reeta Devi, Jagdish Soren and Bhagwan Murmu have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 17.10.2019, passed in Criminal Miscellaneous No. 62583 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioner in the FIR.

Considering the accusation being omnibus and general, similarly situated co-accused have been granted



anticipatory bail by a Co-ordinate Bench of this Court and statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Jamui, in connection with Barhat P.S. Case No.59 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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