

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10230 of 2020

Arising Out of PS. Case No.-122 Year-2014 Thana- ADAPUR District- East Champaran

1. JITENDRA RAI @ JITENDRA PRASAD RAI @ JITENDRA PRASAD YADAV Son of Ramadhar Rai Resident of Village - Laxmipur Bhathohia, P.S.- Adapur, District - East Champaran.
2. Amrendra Rai @ Amrendra Kumar Son of Ramadhar Rai Resident of Village - Laxmipur Bhathohia, P.S.- Adapur, District - East Champaran.
3. Bhupendra Rai @ Bhupendra Kumar Son of Ramadhar Rai Resident of Village - Laxmipur Bhathohia, P.S.- Adapur, District - East Champaran.
4. Ramadhar Rai @ Ram Adhar Rai Son of Late Sitaram Rai Resident of Village - Laxmipur Bhathohia, P.S.- Adapur, District - East Champaran.
5. Awadh Kishore Yadav @ Awadh Kishore Prasad Yadav @ Awadh Kishore Rai @ Awad Kishore Prasad Yadav Son of Ram Sringar Yadav Resident of Village - Laxmipur Bhathohia, P.S.- Adapur, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh
For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-03-2020 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341,323,307,354,379 and 504/34 of the IPC and Sections 3 and 4 of Prevention of Witch (Daain) Practices Act, 1999.

The prosecution case as per the written report of Shobha Devi submitted to the SHO, Motihari Town Police Station is to the effect that on 2.9.2014 at 8.00 P.M., petitioner nos. 1 to 3 came at the door of the informant and started abusing. They



were of the view that the informant had practised witchcraft on the child of Jitendra Rai (petitioner no. 1) when the in-laws family members of the informant made protest then the accused persons went away. It is further alleged that on 3.9.2014 when the informant went out side to ease then the accused persons surrounded the informant and her mother-in-law and petitioner nos. 1 and 2 started pulling the hair-lock of the informant and petitioner nos. 3 to 5 assaulted her with with fists and slaps. Thereafter, on the order of petitioner no. 4, petitioner no 2 assaulted on the abdominal part of the informant in order to terminate her pregnancy. When the mother-in-law of the informant tried to rescue then she was also being assaulted and petitioner no. 1 is alleged to have snatched gold chain of the informant.

It is submitted by learned counsel for the petitioners that the present case was registered on 7.9.2014 but chargesheet has been submitted on 13.12.2018. The petitioners were not arrested as they were granted privilege under Section 41A of Cr.P.C. and ultimately the order of cognizance has been passed on 30.8.2019. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.



Learned counsel for the informant submits that the petitioners assaulted the informant on a misconception that the informant had practised witchcraft on the child of petitioner no. 1.

Considering the nature of accusation and the genesis of the occurrence coupled with statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 SDJM, Raxaul in connection with Adapur P.S. Case No. 122 of 2014 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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