

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 12304 of 2020

1. Md. Arif son of Late Akhtar Alam Resident of Village Rajokhar Ward No. 5, P.S. Araria (R.S.) Distt. Araria
2. Firoz Son of Late Safique Resident of Village Chakradah, P.S. Araria (R.S.), Distt. Araria
3. Muntjir, son of Late Moharram, Resident of Village Binodpur, P.S. Bousi, Distt. Araria

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :
For the Petitioner/s : Mr. Anil Prasad Singh, Adv.
For the Opposite Party/s : Mr. Umeshanand Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3	04-09-2020	Heard learned counsel for the petitioners and learned APP for the State, through video conferencing. The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in connection with Araria (R.S.) P.S. Case No. 984 of 2019 registered under sections 307, 354A and other sections of the Indian Penal Code and sections 3 and 4 of the Witch Craft Act. As per allegation in the FIR, the brother-in-law of the informant, one Md. Rashid and the three petitioners herein started to abuse and assault the informant, stating her to be a witch and that it was because of her that there was no progress in the family. She states that she was assaulted and her valuables were taken away. It is stated that Md. Rashid stuck her with <i>Dabia</i> on her head causing serious injuries. It is submitted by learned counsel for the petitioners that the
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		allegations against the petitioners are false and concocted. It is submitted that even for the sake of argument if the allegations in the FIR are taken to be correct, it is co-accused Md. Rashid, not a petitioner herein, who is stated to have assaulted the informant and the injury report, which has come in the case diary, states only one lacerated injury which may be attributed to him. The petitioners have no criminal antecedent. The application for bail is opposed by learned APP for the State, who states that petitioners are named in the FIR and there is direct allegation against them. Having heard learned counsel for the parties and taking into consideration the allegations as levelled in the FIR and the main allegation being against Md. Rashid, not the petitioners herein, the Court is inclined to enlarge the petitioners on anticipatory bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Araria (R.S.) P.S. Case No. 984 of 2019, they shall be enlarged on bail on each of them on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria subject to the conditions as laid down under section 438(2) of the Cr.P.C.
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(Partha Sarthy, J)

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