

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15322 of 2020

Arising Out of PS. Case No.-806 Year-2004 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. ASHOK THAKUR Son of Late Bhola Thakur Resident of Village - Gola Pakariya, P.S.- Ghorasahan, Distt - East Champaran.
 2. Awadhesh Thakur Son of Late Bhola Thakur Resident of Village - Gola Pakariya, P.S.- Ghorasahan, Distt - East Champaran.
 3. Dinesh Thakur Son of Late Bhola Thakur Resident of Village - Gola Pakariya, P.S.- Ghorasahan, Distt - East Champaran.
 4. Sanjeet Thakur Son of Late Bhola Thakur Resident of Village - Gola Pakariya, P.S.- Ghorasahan, Distt - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Most. Saraswati Kunwar Wife of Late Ramekbal Thakur Resident of Village - Gola Pakariya, P.S.- Ghorasahan, Distt - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 13-10-2020 Heard both sides.

The matter has been taken up through video conferencing.

From perusal of the lower court records, it appears that Ashok Thakur, petitioner No1, was arrested and he was granted bail vide order dated 25.08.2020 passed in B.P. No. 698 of 2020.

Accordingly, the anticipatory bail petition of Ashok Thakur, petitioner No.1, is dismissed as has become infructuous.



The petitioners, Awadhesh Thakur, Dinesh Thakur and Sanjeet Thakur apprehend their arrest in Complaint case No. C 806/2004 for the offences allegedly committed by them under Section 323, 328, 452, 379, 380, 504 of the IPC and u/s 3 & 4 of Prevention of Witch (Daain) Practices Act.

The complainant alleged that on 14.12.2004 when she was in her house, the accused persons came, called her witch and on protest they assaulted her. Ashok Thakur, Dinesh Thakur and Sanjeet Thakur poured night-soil in her mouth. They also snatched her ornaments and different articles from her possession.

The learned counsel for the petitioners submits that the petitioners are co-sharers of the complainant and all the allegations are false and concocted. After finding prima facie case against the petitioners they never received any summons to appear in the court. The petitioner got knowledge about the pendency of the case very recently and thereafter they filed the anticipatory bail petition but the learned Sessions Judge rejected the petition.

The learned APP opposed the prayer for anticipatory bail.

It appears that the complaint was filed in the year



2004 but from perusal of the records, it appears that the learned Judicial Magistrate did not take any effective step for procuring the attendance of the accused persons. Ashok Thakur, one of the co-accused, whose case stands on the same footing as that of petitioners, has already been enlarged on bail vide B.P. No. 698/2020.

Having considered the facts aforesaid, I dispose of this anticipatory bail petition with a direction to the petitioners to appear in the court in seisin of the case and on such the learned court below shall enlarge the petitioners on bail to his own satisfaction as the similarly situated accused has already been granted bail.

With the aforesaid direction, this anticipatory bail petition is disposed of.

(Prabhat Kumar Jha, J)

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