

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20526 of 2020

Arising Out of PS. Case No.-616 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. SHANKAR THAKUR Son of Ram Briksh Thakur Resident of Village-Kharauth, P.S.- Barachatti, District- Gaya.
 2. Lalita Devi @ Sushma Devi Wife of Shankar Thakur Resident of Village-Kharauth, P.S.- Barachatti, District- Gaya.
 3. Pawan Thakur @ Pawan Kumar Son of Shankar Thakur Resident of Village-Kharauth, P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.S. Jamil Akhtar
For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2020 The matter has been taken up in a court proceeding
conducted through virtual mode.

Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending his arrest in a
complaint case wherein process has been directed to be issued
after cognizance being taken for the offence punishable under
Section 323 of the IPC and Sections 3/4 of the Prevention of
Witch (Daain) Practice Act, 1999.

The prosecution case, as per the complaint petition
filed by Sheela Devi is to the effect that on 06.09.2018 at 8 P.M.



the complainant was coming to her house after easing outside then all the accused persons including the petitioners made assault to the complainant and when the husband of the complainant came to rescue her, he was also being assaulted. It is alleged that co-accused Arbind Thakur, who instigated accused persons that the informant has played witch craft on his daughter when the petitioner no.1, Shankar Thakur tore the blouse of the complainant and co-accused Arbind Thakur made her naked. Petitioner no.2, Lalita Devi snatched a gold locket and petitioner no.3, assaulted the complainant with Fasuli causing cut injury on her hand.

It is submitted by learned counsel for the petitioners that in the background of petty dispute, the accusation has been levelled against the petitioners. For the alleged occurrence of 06.09.2018, the complaint was filed on 03.10.2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that prima facie finding the case true, the process has been directed to be issued against the petitioners.

Considering the delayed filing of the complaint petition, the accusation not being corroborated by any medical



opinion and the statement made in paragraph no.3 of the petition to the effect that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail for the present provisionally for a period of three months in the event of arrest or surrender before the learned Court below within a period of four weeks on furnishing one surety to the satisfaction of the learned Judicial Magistrate, 1st Class, Sherghati, Gaya in connection with Complaint Case No. 616 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sherghati, Gaya in connection with Complaint Case No. 616 of 2018.



The learned Court below will be at liberty to extend the period of provisional anticipatory bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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