

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16784 of 2020

Arising Out of PS. Case No.-239 Year-2018 Thana- MADANPUR District- Aurangabad

1. PRAVESH BHUIYAN Son of Mugeshwar Bhuiyan Resident of Village - Main Bigha @ Mainpur, P.S.- Madanpur, Dist.- Aurangabad.
2. Santosh Bhuiyan Son of Prasad Bhuiyan Resident of Village - Main Bigha @ Mainpur, P.S.- Madanpur, Dist.- Aurangabad.
3. Umesh Bhuiyan Son of Chandra Dev Bhuyan @ Charandeo Bhuiyan Resident of Village - Main Bigha @ Mainpur, P.S.- Madanpur, Dist.- Aurangabad.
4. Rajendra Bhuiyan Son of Krit Bhuiyan Resident of Village - Main Bigha @ Mainpur, P.S.- Madanpur, Dist.- Aurangabad.
5. Gurucharan Bhuiyan Son of Deshu Bhuiyan Resident of Village - Main Bigha @ Mainpur, P.S.- Madanpur, Dist.- Aurangabad.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-07-2020 This case has been heard through video-conferencing.

Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
354 and 504/34 of the Indian Penal Code and Section 3/4 of the
Prevention of Witchcraft Act.

While the informant was at his door, the petitioner-



Sanjay Bhuiyan is said to have arrived there abusing him calling him 'Ojha' and started assaulting him. On protest by him, the other accused persons also came there armed with lathi and danda and they also abused and assaulted him. When her daughter came in her rescue accused Saroj Bhuiya caught her hand and dragged her towards the room with bad intention and on hulla all the accused made their good escape.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to dirty village politics. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of two days in filing the F.I.R. without assigning any plausible and convincing reason for the said delay. It is further stated that the allegation of molesting with the daughter of the informant is against Saroj Bhuiyan. No injury has been caused to the informant. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond



of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Madanpur P.S. Case No.239 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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