

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16828 of 2020

Arising Out of PS. Case No.-317 Year-2019 Thana- PUNPUN District- Patna

1. SURYA DEO DAS Son of Dukhan Das
2. Barhan Das Son of Late Yogeshwar Das
3. Lallu Das @ Lulu Das Son of Barhan Das
All Resident of Village - Samanchak, P.S.- Punpun, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Naresh Ray, Adv.

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 14-07-2020 Heard learned counsel appearing for the petitioners as well as learned Additional Public Prosecutor for the State through video conferencing.

At the very outset, learned counsel for the petitioners submits that petitioner no.1 has already been arrested and his prayer for anticipatory bail has become infructuous.

Accordingly, prayer for anticipatory bail of petitioner no.1, namely, Surya Deo Das stands dismissed being infructuous.

Petitioner no.2, namely, Barhan Das and petitioner no.3 Lallu Das @ Lulu Das apprehend their arrest in connection with Punpun P.S. Case No.317 of 2019 registered under



Sections 341, 323, 324, 354B, 307, 504, 506, 379 and 34 of the Indian Penal Code and $\frac{3}{4}$ of Dain Prohibition Witch Act.

Learned counsel appearing for petitioner no.2 and petitioner no.3 submits that no doubt petitioner no.2 and petitioner no.3 are named in the First Information Report but no specific overtact has been attributed against them and only general and omnibus allegation of assault has been levelled against them. He further points out that all the three injureds of this case have sustained simple injuries, which is evident from perusal of Annexure-2 to this petition.

On the other hand, learned Additional Public Prosecutor opposed the prayer submitting that the petitioner no.2 and petitioner no.3 have also participated in assaulting the informant and other injureds and, therefore, they do not deserve the privilege of anticipatory bail.

According to written report of informant, the petitioner no.2 and petitioner no.3 as well as other FIR named accused assaulted her as well as her other family members because they doubted that the informant is a witchcraft. No doubt, the injureds sustained simple injury, but in my view, it is not a fit case for grant of anticipatory bail and accordingly, the prayer for anticipatory bail of petitioner no.2 and petitioner no.3



stands rejected. However, if petitioner no.2 and petitioner no.3 surrender and seek regular bail before the court below within eight weeks from the date of receipt/production of copy of this order, the prayer for regular bail of petitioner no.2 and petitioner no.3 shall be considered by the concerned court on its own merit without being prejudiced by this rejection order on the day of surrender of the petitioner no.2 and petitioner no.3 and on the same day the concerned court shall dispose off the regular bail application of petitioner no.2 and petitioner no.3 .

(Hemant Kumar Srivastava, J)

Prakash Narayan /-

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