

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16779 of 2020

Arising Out of PS. Case No.-295 Year-2019 Thana- DUMRA District- Sitamarhi

NANDLAL SINGH Son of Yogi Singh R/o Village- Hari Chapra, P.S.-
Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ashok Kumar Jha, Advocate.
For the Opposite Party/s :	Mr. Narendra Kumar Singh, APP
For the Informant :	Mr. Santosh Kumar, Advocate.
	Mr. Alok Kumar Alok, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 06-11-2020 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State
through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 447, 448, 324, 307, 504, 379, 354 B & 506 of the Indian Penal Code and Section 3/4 of Prevention of Witch Craft Practices Act.

The prosecution case, in nutshell, is that on 31.07.2019 at 11:00 PM, while the informant was at her house the petitioner and other co-accused came and started abusing her. Hearing noise, she along with her son opened the door and came out of the house. Seeing her, the petitioner and other co-accused called her as *dian* and asked to catch her as she had



committed sorcery on their father. Hearing this, the informant and her son tried to escape by running inside the house but they were chased by the petitioner and the co-accused entering into her house. The petitioner and co-accused Nagendra Singh caught her and she was disrobed by said co-accused. When the informant's son tried to save her, he was also assaulted and got injured. The co-accused Nagendra Singh threw the informant on the ground and pressed her neck to kill her on the direction of another co-accused Mahendra Singh, while other co-accused including the petitioner assaulted her with lathi, fists and kicks. They also tried to take away the naked informant to their house to get treated their father but, in the meantime, due to gathering of the villagers on the cry of the informant, the petitioner and other co-accused went away leaving the informant. The petitioner took away a box containing cash and ornament from the house of the informant. Again on 02.08.2019, when the informant was returning from her duty as Asha worker at about 12:30 PM and when she reached in front of the house of Mahendra Singh, all the accused including the petitioner surrounded her and one of the co-accused Kavita Kumari assaulted on her head with farsa with an intention to kill her by which the informant sustained injury on left side of her head and



started bleeding. She again assaulted her with farsa and the informant sustained injury in her right arm and fell on the ground. It has been also alleged that earlier, the co-accused had beaten her and committed loot after entering into her house.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to dirty village politics and previous enmity. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The specific allegation is against the co-accused Kavita Kumari who is said to have assaulted the informant by means of farsa twice causing injury on the head and right arm of the informant. The injury sustained by the informant is simple in nature. The present case is the counter blast of Dumra P.S. Case No.294 of 2019 lodged by the co-accused Urmila Devi against the informant, her husband and son. As a matter of fact, both the parties are agnates and there is pending land dispute between them. It is further submitted that co-accused Nagendra Singh has been enlarged on anticipatory bail by the Hon'ble Supreme Court vide order dated 02.11.2020 passed in Special Leave to Appeal (Crl.) No (s).4197/2020 and co-accused, namely, Kavita Kumari has been enlarged on bail by a co-



ordinate Bench of this Court vide order dated 05.11.2020 passed in Cr. Misc. No. 16198 of 2020. Petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 295 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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