

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18472 of 2020

Arising Out of PS. Case No.-213 Year-2019 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. MD. SHAMMI AKHTAR @ SHAMMI AKHTAR, aged about 35 years, Male, Son of Md. Abdul, Resident of Village - Hasima, P.S.- Bairgania, District – Sitamarhi.
 2. Md. Abbas, aged about 50 years, Male, Son of Md. Abdul, Resident of Village - Hasima, P.S.- Bairgania, District – Sitamarhi.
 3. Md. Abulaish, aged about 55 years, Male, Son of Aynul Haq, Resident of Village - Hasima, P.S.- Bairgania, District – Sitamarhi.
 4. Shabnam Khatoon @ Shbnam, aged about 30 years, Female, Wife of Shammi Akhtar @ Md. Shammi Akhtar, Resident of Village - Hasima, P.S.- Bairgania, District – Sitamarhi.

... .. Petitioners

Versus

1. The State of Bihar.
2. Sanjida Khatoon, Wife of Shabuddin, Residence of Village - Hasima, P.S.- Bairgania, District – Sitamarhi.

... .. Opposite Parties

Appearance :

For the Petitioners : Mr.Ranjeet Kumar Mishra, Advocate.
For the Opposite Party : Mr.Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-08-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

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

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 323 of the IPC and ³/₄



of the Prevention of Witch Practices Act.

The prosecution story, in brief, is that on 05.02.2019 all the petitioners entered into the house of the complainant, pulled her and stated that they would finish her witch craft. Petitioner nos. 1 and 2 torn her clothes and petitioner no. 2 also assaulted her with sharp cutting weapon, petitioner no. 4 snatched her nose pin. Petitioner nos. 1 and 2 tried to administer her diluted stool. When nearby people came, her life was saved. She was taken to P.H.C., Bairgania for treatment. All the accused persons tortured her by saying her witch.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. There is land dispute between the parties. Earlier also the complainant's side had instituted case against the petitioners and their family members. It is a malafide prosecution.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R./ complaint case.

Considering the facts and circumstances of the case and also the lockdown, the petitioners above named, in the event



of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi/concerned court, in connection with Complaint Case No.-C 1-213/19, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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