

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84837 of 2019

Arising Out of PS. Case No.-77 Year-2019 Thana- BELA District- Sitamarhi

Rajina Khatoon, Female, aged about 42 years, D/o Moslim Rain, R/o village-
Hanuman Nagar, P.S.- Bela, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Ms.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-02-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends her arrest in connection
with Bela P.S. Case No. 77 of 2019 registered for the offences
punishable under Sections 147, 149, 341, 342, 323, 324, 379,
325, 354, 504, 506, 302 of the Indian Penal Code and Sections
3/4 of Witch Craft Practices Act.

The present First Information Report has been
registered on the basis of written statement of the informant
Elahi Rain, made on 03.04.2019 for the occurrence which had
taken place on 30.03.2019. The informant is an accused in Bela
P.S. Case No.74 of 2019, which, apparently relates to the same
occurrence, which had taken place on 30.03.2019 at 8:20-8:30
a.m. It is alleged in the Fir that the named accused persons had



called the informant's daughter a 'witch' and when objected to, they did not only abuse the informant and his family members, but assaulted him and others variously. The mother of the informant is said to have sustained injuries and, subsequently, died.

Learned counsel for the petitioner submits that the present FIR report is apparently a counter blast to the previous First Information Report registered by the Accused No.4 on 30.03.2019 in report itself, creates serious doubt over the prosecution version. He also submits that there is no specific overt act of assault against the petitioner leading to death of the deceased, mother of the informant, who was an old aged lady and the possibility that she might have died because of fall, cannot be ruled out as there is no injury of assault on her mentioned in the inquest report. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted anticipatory bail by this Co-ordinate Bench of this Court vide order dated 16.11.2019 passed in Cr. Misc. No.45847 of 2019.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 20,000/-



(twenty thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Sadar, Sitamarhi in connection with Bela P.S. Case No. 77 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C. with further condition that the petitioner shall present herself before the Police/Court, as the case may be, as and when required and in the event of failure on her part to appear before the court on two consecutive occasions, her bail bond shall be liable to be cancelled.

(Anjani Kumar Sharan, J)

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