

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29256 of 2020

Arising Out of PS. Case No.-378 Year-2019 Thana- PARSA District- Saran

1. KIYAMUDIN @ KYAMUDDIN @ KYAMUDIN S/o Late Ful Mohammad Resident of Village- Bishunpur, P.S.- Parsa, District- Saran at Chapra.
2. Aasma Khatoon @ Ashma Khatoon W/o Kiyamudin @ Kyamuddin @ Kayamudin Resident of Village- Bishunpur, P.S.- Parsa, District- Saran at Chapra.
3. Mustaque Ali @ Mustaque Ansari S/o Kiyamudin @ Kyamuddin @ Kyamudin Resident of Village- Bishunpur, P.S.- Parsa, District- Saran at Chapra.
4. Mariyam Begam @ Moriyam Khatoon W/o Mustaque Ali @ Mustaque Ansari Resident of Village- Bishunpur, P.S.- Parsa, District- Saran at Chapra.
5. Md. Taiyab Ansari @ Taiyab Ansari S/o Kiyamudin @ Kyamuddin @ Kyamudin Resident of Village- Bishunpur, P.S.- Parsa, District- Saran at Chapra.
6. Md. Jamil @ Jamir Ansari @ Jamil Ansari S/o Abdul Raut Resident of Village- Sahu Saraiya, P.S.- Dariyapur, District- Saran at Chapra.
7. Gulshan Aara @ Gulshan Khatoon W/o Md. Jamil Ansari @ Jamir Ansari @ Jamil Ansari Resident of Village- Sahu Saraiya, P.S.- Dariyapur, District- Saran at Chapra.
8. Md. Saddam Hussain @ Saddam Ansari @ Sadam Ansari S/o Md. Jamil Ansari @ Jamir Ansari @ Jamil Ansari Resident of Village- Sahu Saraiya, P.S.- Dariyapur, District- Saran at Chapra.
9. Md. Sahjad Ansari @ Sajad Ansari @ Sajjad Ansari S/o Md. Jamil Ansari @ Jamir Ansari @ Jamil Ansari Resident of Village- Sahu Saraiya, P.S.- Dariyapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan
For the Opposite Party/s : Mr.Bisheshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-01-2021 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in Parsa P.S.



Case No. 378 of 2019, registered for the offences punishable under Section 302/149 of the Indian Penal Code and section 3/4 Prevention of Witch Craft Act.

As per the prosecution case, on 07.12.2019 at about 6.00 pm informant's mother-in-law was feeding buffalo, in the meantime, all the accused persons named in the FIR came and killed her by pressing her neck. The aforesaid incident has taken place due to the fact that the accused persons had believed that the deceased had killed their daughter by witch craft.

It is submitted on behalf of petitioners that petitioners are next door neighbours and have been falsely implicated in this case. From para 7 of the case diary, it is apparent that informant in her first statement before the police on 07.12.2019 at 10.30 pm did not disclose name of any of the petitioners, but after two days, on instigation of the co villagers, the informant lodged the instant case and named these petitioners. There is no eye-witness of the occurrence. Petitioners have got clean antecedent, as stated in para 3 of the petition.

Considering the facts aforesaid, the petitioner nos. 1, 2, 3, 4, 6, 7, 8 and 9 above-named, in the event of their arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this



order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate II, Saran at Chapra in connection with Parsa P.S. Case No. 378 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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