

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35309 of 2020

Arising Out of PS. Case No.-230 Year-2020 Thana- VAISHALI District- Vaishali

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1. LAL BAHADUR RAI SON OF LATE JHAGARU RAI R/O VILLAGE MAJHAULI PS VAISHALI BELSAR OP DISTRICT- VAISHALI.
 2. RAMKALI DEVI WIFE OF LAL BAHADUR RAI R/O VILLAGE MAJHAULI PS VAISHALI BELSAR OP DISTRICT- VAISHALI.
 3. MANORANJAN KUMAR SON OF LAL BAHADUR RAI R/O VILLAGE MAJHAULI PS VAISHALI BELSAR OP DISTRICT- VAISHALI.
 4. RANJAN KUMAR SON OF LAL BAHADUR RAI R/O VILLAGE MAJHAULI PS VAISHALI BELSAR OP DISTRICT- VAISHALI.
 5. RAJA KUMAR SON OF LAL BAHADUR RAI R/O VILLAGE MAJHAULI PS VAISHALI BELSAR OP DISTRICT- VAISHALI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-03-2021 Heard both sides.

The petitioners apprehend their arrest in Vaishali (Belsar O.P.) P.S. Case No.230 of 2020 registered under Sections 147, 148, 341, 323, 324, 325, 307, 302, 379, 504 of the Indian Penal Code and under Sections 3 and 4 of the Witchcraft Act.

The informant, in sum and substance, alleged that Lal Bahadur Rai (petitioner no.1) and his daughter Shobha Devi alleged that Sushila Devi (sister-in-law of the informant) is a



witch. On 12.07.2020 all the accused persons having armed with different weapons came to the house of Sushila Devi and started abusing Sushila Devi. When Rupesh Kumar, son of Sushila Devi objected, Lal Bahadur Rai (petitioner no.1) and Manoranjan Kumar (petitioner no.3) assaulted Rupesh Kumar on his head by means of iron rod. Rupesh Kumar got blood oozing injury on his head. Shobha Devi assaulted with chopper on the head of Nand Lal Rai causing severe injury on his head. Ranjan Kumar (petitioner no.4) and Rani Kumari assaulted Sushila Devi and she also sustained fracture injury on her hand. Shobha Devi is alleged to have snatched a chain made of gold and other articles.

Learned counsel for the petitioners submits that there is no allegation of assault against Ram Kali Devi, wife of Lal Bahadur Rai. During course of treatment, Rupesh Kumar died. The assailants of Rupesh Kumar are Lal Bahadur Rai and Manoranjan Kumar. Ranjan Kumar and other are alleged to have assaulted Sushila Devi but the allegation of assault is made against Ram Kali Devi (petitioner no.2). It is further submitted that there is a counter version. The petitioners are co-sharers and next door neighbours of the informant. Hence, the petitioners deserve anticipatory bail.



Learned A.P.P. opposed the prayer for anticipatory bail.

It appears from perusal of the record that Lal Bahadur Rai and Manoranjan Kumar along with others came to the house of Sushila Devi and they began to abuse Sushila Devi alleging her to be a witch. When Rupesh Kumar, son of Sushila Devi objected, Lal Bahadur Rai and Manoranjan Kumar assaulted Rupesh Kumar on his head. Shobha Devi (non-petitioner) is alleged to have assaulted Nand Lal Rai with chopper on his head. Ranjan Kumar and Rani Kumari assaulted Sushila Devi causing fracture injury on her hand and Raja Kumar assaulted Nitesh with iron rod. Injured Rupesh Kumar and his mother were referred to PMCH for treatment. Rupesh Kumar died during course of treatment.

Taking into consideration the facts that there is specific allegation of assault against Lal Bahadur Rai (petitioner no.1) and Manoranjan Kumar (petitioner no.3) that they assaulted Rupesh Kumar and Ranjan Kumar (petitioner no.4) and Rani Kumari assaulted Sushila Devi and Raja assaulted Nitesh with iron rod, I am not inclined to enlarge Lal Bahadur Rai (petitioner no.1), Manoranjan Kumar (petitioner no.3), Ranjan Kumar (petitioner no.4) and Raja Kumar (petitioner



no.5) on anticipatory bail. Accordingly, the same is rejected.

So far the case of Ram Kali Devi (petitioner no.2) is concerned, there appears that of course she is named in the F.I.R. but she is not alleged to have assaulted either the deceased or any of the injured. No specific allegation is made against Ram Kali Devi (petitioner no.2).

Taking into consideration the facts aforesaid, Ram Kali Devi (petitioner no.2), in the event of her arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No.230 of 2020, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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