

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3863 of 2021**

Arising Out of PS. Case No.-328 Year-2020 Thana- TARAIIYA District- Saran

1. URMILA KUWAR W/o late Anand Singh Resident of Vill.- Dumariya Chhapia, P.S.- Taraiya, Distt.- Chapra.
2. SANJIV KUMAR S/o Late Anand Singh Resident of Vill.- Dumariya Chhapia, P.S.- Taraiya, Distt.- Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                          |   |                       |
|--------------------------|---|-----------------------|
| For the Petitioner/s     | : | Mr.Mukesh Kumar Singh |
| For the Opposite Party/s | : | Mr. Ajay Kumar No-2   |
| For the Informant        | : | Mr. Rajshekhar        |

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      30-07-2021                      Heard Mr. Mukesh Kumar Singh, learned counsel for the petitioners and Mr. Rajshekhar, learned Advocate for the informant. The State is represented by Mr. Ajay Kumar No -2, learned APP.

The petitioners seek bail in anticipation of their arrest in connection with Taraiya P.S. Case No. 328 of 2020 instituted for the offences under Sections 341, 323, 307, 506 and 34 of the Indian Penal Code and Section 3 and 4 of Prevention of Witch (Daain) Practices Act.

The accusation in the First Information Report is of the accused persons including the petitioners assaulting the



informant, his mother, father and other persons of his family. The cause of occurrence as stated in the F.I.R. is the suspicion on the mother of the informant regarding her practicing necromancy.

Learned counsel for the petitioners has submitted that though they have been alleged to have assaulted the members of the prosecution party but the reason for the clash between the two families is different. There is a long standing dispute between the two families and in the present instance, over the issue of drainage of water, the parties fought amongst themselves. There is a counter version of the occurrence also lodged by petitioner no. 1. The injuries suffered by the victim do not appear to be grievous in nature. There is no reference of the assault perpetrated on the side of the accused persons or the case lodged by them against the members of the prosecution party. This indicates that the informant in the present case has not come out with the correct version of the occurrence.

Regard being had to the afore-stated facts and also taking into account that the petitioner no. 1 is a widow they



are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -I, Chapra, Saran, in connection with Taraiya P.S. Case No. 328 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure

(Ashutosh Kumar, J)

sunilkumar/-

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