

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23478 of 2022

Arising Out of PS. Case No.-145 Year-2018 Thana- BAIRIYA District- West Champaran

1. Suryadeo Parit @ Suryadeo Pandit Son Of Late Potan Pandit R/O- Village- Phulia, P.S.- Bariya, District- West Champaran
2. Birendra Parit Son Of Virendra Parit R/O- Village- Phulia, P.S.- Bariya, District- West Champaran
3. Nitesh Parit @ Nitesh Kumar Son Of Shankar Parit @ Shankar Pandit R/O- Village- Phulia, P.S.- Bariya, District- West Champaran
4. Gaya Parit @ Gaya Padit Son Of Not Given R/O- Village- Phulia, P.S.- Bariya, District- West Champaran
5. Dilip Parit @ Dileep Pandit Son Of Suryadeo Parit @ Suryadeo Pandit R/O- Village- Phulia, P.S.- Bariya, District- West Champaran
6. Punita Devi Wife Of Bhuneshwar Pandit R/O- Village- Phulia, P.S.- Bariya, District- West Champaran
7. Lilawati Devi @ Lilawti Devi Wife Of Gaya Pandit R/O- Village- Phulia, P.S.- Bariya, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 354, 379, 504 and 34 of the Indian Penal Code read with Sections 3/4 of the Prevention of Witch (DAAIN) Practices Act.

Learned counsel for the petitioners submits that the



petitioner nos. 1 and 2 have antecedent of three cases and rest of the petitioners are persons with clean antecedent, petitioner nos. 6 and 7 are women and the informant alleges that on 09.05.2018, all the petitioners assaulted her and called her witch, further Gaya Parit opened her *saree* on the orders of Suryadeo Parit and Birender Parit outraged her modesty, it is further alleged that Punita Devi and Leelawati Devi forcibly put faecal in her mouth and Dilip and Nitesh snatched her *Mangalsutra* and nose pin and all the petitioners fled with clothes utensils and cash Rs. 83,000/-.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that dispute is with respect to a piece of land which is encroached by the informant against which the petitioners had moved before the Sub-Divisional Public Grievance Redressal Officer, Bettiah West Champaran on 27.12.2017, it is next submitted that the allegations are also general and omnibus in nature and allegation of snatching money and clothes are ornamental in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that the case is of the year 2018 and the petitioners have moved before this Court



in the year 2022 and it may be a possibility that process under section 82 Cr.P.C. might have been issued.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bairiya P.S. Case No. 145 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned trial court before accepting the bail bonds of the petitioners shall verify whether any process under Section 82 Cr.P.C. has been issued against the petitioner or not and in the event, if any process under section 82 Cr.P.C. has been issued against the petitioner, then the present anticipatory bail order shall not be given effect to

(Satyavrat Verma, J)

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