

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42225 of 2021**

Arising Out of PS. Case No.-110 Year-2020 Thana- CHIRAIYA District- East Champaran

1. Raushan Singh @ Raushan Kumar Singh Son of Raghav Singh Resident of Village - Gangapipar, P.S. Chiraiya, District - East Champaran.
2. Manju Devi Wife of Raghav Singh Resident of Village - Gangapipar, P.S. Chiraiya, District - East Champaran.
3. Awadhesh Singh @ Awadhesh Kumar Singh Son of Shankar Singh Resident of Village - Gowahi, P.S. Patahi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate.
For the Opposite Party/s : Mr. Prem Kumar Jha, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 08-06-2022 Heard Mr. Anshu Dhar Sharma, learned counsel for the petitioners and Mr. Prem Kumar Jha, learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners apprehend their arrest in connection with Chiraiya P. S. Case No. 110 of 2020 registered for the offences punishable under Sections 341, 323, 307, 379, 504, 354 read with Section 34 of the Indian Penal Code and Section 3/4 of the Prevention of Witch (DAAIN) Practices Act.



As per the prosecution case, it is alleged that on 17.04.2020 while the informant along with her son was sitting at the door of the house, in the meantime all the F.I.R. named accused persons came there and started abusing the informant in filthy language and when the same was protested by her son, the accused/petitioners assaulted him with *lathi*, *danda* and slaps. It is further alleged that when the informant came to save her son, co-accused persons also assaulted her and the petitioner no. 1, namely, Raushan Singh @ Raushan Kumar Singh administered night-soil and the petitioner no. 2, namely, Manju Devi snatched her belongings.

At the outset, learned counsel for the petitioners submits at the bar, on the instruction of his client, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

Learned counsel appearing on behalf of the petitioners submits that with regard to the occurrence which is said to have taken place on 17.04.2020, the present F.I.R. has been instituted on 24.04.2020 but no plausible explanation of the delay has been made. It is further submitted that during the course of investigation the Police has found the case true under Sections 341, 323, 307, 504 and 34 of the Indian Penal Code and no



offence under any of the section of the prevention of Witch (DAAIN) Practices Act has been found true. It is next submitted that from the injury report it appears that the injuries, which is allegedly sustained, have been found to be simple in nature. It is lastly submitted that the petitioners have no criminal antecedent and there is a long standing enmity between the parties and there is series of litigation between them.

On the other hand, learned Additional Public Prosecutor for the State opposes the bail application and submits that there is specific allegation against these petitioners who have brutally assaulted the informant and her son and also snatched her belongings.

Having considered the submissions made on behalf of the parties and taking into account the fact that there is a delay in lodging of the F.I.R., apart from the fact that no offence is found true under the Prevention of Witch (DAAIN) Practices Act, in as much as the injuries have been found to be simple in nature and the petitioners having no criminal antecedent, let the petitioners, above named, be released on bail, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bonds of Rs. 10,000/ (ten thousand) each with two sureties of the like



amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Sikrahna At Dhaka, East Champaran in connection with Chiraiya P. S. Case No. 110 of 2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with following conditions:-

- (i) One of the bailors should be the close relative of the petitioners.
- (ii) The petitioners will co-operate in the investigation as well as in conclusion of the trial.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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