

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35198 of 2022

Arising Out of PS. Case No.-334 Year-2021 Thana- KOTWA District- East Champaran

1. Yogesh Thakur Son of Suresh Thakur Resident of Village - Machhargawa, P.S.- Kotwa, District - East Champaran
2. Mukesh Thakur Son of Suresh Thakur Resident of Village - Machhargawa, P.S.- Kotwa, District - East Champaran
3. Nitesh Thakur @ Nitesh Kumar Son of Suresh Thakur Resident of Village - Machhargawa, P.S.- Kotwa, District - East Champaran
4. Ritesh Thakur Son of Suresh Thakur Resident of Village - Machhargawa, P.S.- Kotwa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35367 of 2022

Arising Out of PS. Case No.-334 Year-2021 Thana- KOTWA District- East Champaran

1. Suresh Thakur Son Of Late Raghuveer Thakur R/O-Village -machhargawa, P.S.- Kotwa, Dist.- East Champaran
2. Sudha Devi Wife Of Suresh Thakur R/O-Village -machhargawa, P.S.- Kotwa, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 35198 of 2022)

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

(In CRIMINAL MISCELLANEOUS No. 35367 of 2022)

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2022

CRIMINAL MISCELLANEOUS No.35198 of 2022

Heard learned counsel for the petitioners and learned

A.P.P. for the State.

Learned counsel for the petitioners seeks permission



to withdraw the present anticipatory bail application with respect to petitioner no.1

Permission is accorded.

The petitioner nos. 2, 3 and 4 apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 354, 504, 506 and 34 of the Indian Penal Code read with Sections 3/4 of the Witchcraft Act and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that petitioner nos.3 and 4 are persons with clean antecedent, petitioner no.2 has antecedent of one case and the informant alleges that on 20.12.2021, the accused persons, including the petitioners, came to his house variously armed along with six-seven unknown accused, further Suresh called his wife a witch, while Mukesh, Yogesh and Nitesh caught her hair and dashed her on the ground, further Suresh made her eat night soil, it is next alleged that Yogesh assaulted the informant by an iron rod causing injury on head and shoulder and Yogesh and Ritesh assaulted Ravi and Manager with an iron rod causing injury on head and when people gathered, they fled.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is



next submitted that allegation against Mukesh and Nitesh are general and omnibus in nature and as far as allegation of assaulting Ravi and Manager is alleged, the same is against Yogesh and Ritesh, it is further submitted that the injury suffered by Ravi is simple in nature, however, injury of Manager is grievous but then it cannot be alleged with certainty that it was Ritesh who assaulted Manager causing grievous injury when earlier Yogesh had assaulted the informant causing grievous injury and it was Yogesh also who assaulted both Ravi and Manager.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 2, 3 and 4, 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 Kotwa P.S. Case No. 334 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



CRIMINAL MISCELLANEOUS No. 35367 of 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, 324, 307, 354, 504, 506 and 34 of the Indian Penal Code read with Sections 3/4 of the Witchcraft Act and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that petitioner no.1 has antecedent of one case, petitioner no.2 is a person with clean antecedent and the informant alleges that on 20.12.2021, the accused persons, including the petitioners, came to his house variously armed along with six-seven unknown accused, further Suresh called his wife a witch, while Mukesh, Yogesh and Nitesh caught her hair and dashed her on the ground, further Suresh made her eat night soil, it is next alleged that Yogesh assaulted the informant by an iron rod causing injury on head and shoulder and Yogesh and Ritesh assaulted Ravi and Manager with an iron rod causing injury on head and when people gathered, they fled.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that allegation against petitioner no.1 is general



and omnibus in nature and to give a serious colour to the case, it has been alleged that he made the wife of the informant eat night soil whereas against petitioner no.2, there is no specific allegation alleged save and except that she had also accompanied the accused persons.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 Kotwa P.S. Case No. 334 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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