

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 59932 of 2021

Arising Out of PS. Case No.-580 Year-2020 Thana- NATHNAGAR District- Bhagalpur

1. DINDAYAL DAS S/o Late Banshi Das R/o village- Maskan Bararipur, Ramjani Fakir Lane, P.S.- Nathnagar, District- Bhagalpur
2. Ramnarayan Das S/o Dindayal Das R/o village- Maskan Bararipur, Ramjani Fakir Lane, P.S.- Nathnagar, District- Bhagalpur
3. Pappu Das S/o Dindayal Das R/o village- Maskan Bararipur, Ramjani Fakir Lane, P.S.- Nathnagar, District- Bhagalpur
4. Krishna Mohan Das S/o Dindayal Das R/o village- Maskan Bararipur, Ramjani Fakir Lane, P.S.- Nathnagar, District- Bhagalpur
5. Amardip Das S/o Dindayal Das R/o village- Maskan Bararipur, Ramjani Fakir Lane, P.S.- Nathnagar, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandrasekhar Sharma, Adv.
For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-06-2022 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Nathnagar P.S. Case No. 580 of 2020 registered for the offence punishable under Section 341, 323, 354(B), 379, 504, 506, 34 of the Indian Penal Code and Section 3/4 of the Prevention of Witch Practice Act.

The allegation is regarding dispute having



taken place in between the petitioners and the informant and her family members resulting in a free fight. Thereafter, a panchayati had taken place and the matter was pacified. However, again on 18.9.2020, in the evening, while the informant was going to Kali Asthan, the accused persons including the petitioners herein had surrounded her and assaulted her. It is also alleged that the accused persons had trespassed in the house of the informant subsequently and snatched her gold chain etc. as also had labelled the informant as a Witch.

The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that there is no accusation of the petitioners having engaged in any sort of specific overt act and only a general and omnibus allegation has been levelled. It is submitted that only after the petitioner no. 1 had filed a police



case bearing Nathnagar P.S. Case No. 579 of 2020 against the son of the informant, the present case has been filed by way of a counter blast. It is also submitted that there is no injury report on record to suggest the complicity of the petitioners in the alleged occurrence.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, taking into account the materials available on record as also considering the fact that the petitioners have not been specifically alleged to have engaged in any sort of overt act, there is no injury report on record, as averred by the learned counsel for the petitioners, the petitioners are having a clean antecedent and a general and omnibus allegation has been levelled qua the petitioners herein, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to



be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise Act, Bhagalpur in connection with Nathnagar P.S.Case No. 580 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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