

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17196 of 2023

Arising Out of PS. Case No.-844 Year-2022 Thana- GAYA MUFASIL District- Gaya

1. BIRENDRA PASWAN Son of Late Baban Paswan @ Kapil Paswan Resident of Village-Dumari, P.S.-Muffasil, District-Gaya
2. SHRIKANT PASWAN Son of Late Ishwar Paswan Resident of Village-Dumari, P.S.-Muffasil, District-Gaya
3. KAMLESH PASWAN Son of Late Ishwar Paswan Resident of Village-Dumari, P.S.-Muffasil, District-Gaya
4. DAULTI DEVI Wife of Late Ishwar Paswan Resident of Village-Dumari, P.S.-Muffasil, District-Gaya
5. SUNIL KUMAR Son of Satyendra Paswan @ Mahendra Paswan Resident of Village-Dumari, P.S.-Muffasil, District-Gaya
6. SHRIKANT KUMAR Son of Akhilesh Paswan @ Awdhesh Paswan Resident of Village-Dumari, P.S.-Muffasil, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Adv.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-05-2023 Heard Mr. Mrigendra Kumar, learned counsel for the petitioners and Mr. Kumar Veerendra Narayan, learned Additional Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection with Mufassil PS Case No. 844/2022 dated 20.10.2022 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 504 and 506 of the IPC & Section 3/4 of the Prevention of Witch (Daain) Practices Act, 1999.



3. As per allegation made in the FIR, the petitioners along with other eight named accused persons and 100 unknown persons assaulted the informant's mother by calling her *Daain* due to which she sustained injuries.

4. Learned counsel for the petitioners submits that the the petitioners have falsely been implicated in this case due to village rivalry and they have not committed any offence in the manner as alleged. He further submits that the allegation against the petitioners is general and omnibus in nature and the petitioners have got no criminal antecedents. No serious injury has been caused to the mother of the informant inasmuch as the prosecution has not brought the injury report before the learned Additional Sessions Judge-V, Gaya.

5. Regards being had to the submissions made by the parties, taking into consideration the fact that petitioners have got no criminal antecedents, the allegation against the petitioners is general and omnibus in nature, injury report has not been brought on record by the prosecution and the offence has not been registered under Section 307 IPC, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, let the petitioners, named above, in the event of arrest or surrender within four weeks from today, be



released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri. Anup Kumar Mishra, learned Judicial Magistrate- 1st Class, Gaya/the court concerned in connection with Mufassil PS Case No. 844/2022 , subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

perwez

U		T	
---	--	---	--

