

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27788 of 2023

Arising Out of PS. Case No.-146 Year-2020 Thana- KOTWA District- East Champaran

1. ANITA DEVI Wife of Jagarnath Das Resident of village-Machahargawa Tola, Nanhkar, P.S.-Kotwa, District-East Champaran
2. ASHA KUMARI Daughter of Jagarnath Das Resident of village-Machahargawa Tola, Nanhkar, P.S.-Kotwa, District-East Champaran
3. ARJUN DAS Son of Jagarnath Das Resident of village-Machahargawa Tola, Nanhkar, P.S.-Kotwa, District-East Champaran
4. SANTOSH DAS Son of Harihar Das Resident of village-Kararia P.S.-Kotwa, District-East Champaran
5. SUNITA DEVI Wife of Santosh Das Resident of village-Kararia P.S.-Kotwa, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan
For the Opposite Party/s : Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-07-2023 Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Kotwa Police Station Case No. 146 of 2020, disclosing offences under Sections 341/323/354/354-B/308/379/447/504/34 of the Indian Penal Code.

The prosecution case, on the basis of the First Information Report, is that the petitioners arrived at the house of the informant, started abusing and assaulting her by means of iron rod, danda, etc. and also outraged her modesty.



Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to village politics and both the parties are co-villagers. Learned counsel further submits that for the incident, which had taken place on 16.04.2020, the petitioner no. 1 lodged East Champaran at Motihari Mahila Police Station Case No. 15 of 2020 against the informant registered under Sections 341/323/354/504/379/34 of the of the Indian Penal Code and Sections 3 and 4 of the Prevention of Witch (DAAIN) Practices Act and after lodging of the First Information Report by the petitioner no. 1, the present First Information Report has been lodged by the informant relating to the incident which had taken place, on 16.04.2020, after a delay of 20 days. He next submits that the present First Information Report is in counter blast to the First Information Report lodged by the petitioner no. 1 and the injury caused to the informant is simple in nature.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the First Information Report lodged by the petitioner no. 1 is prior in time to the present First Information Report which has been lodged by the informant after a delay of 20 days and the injury caused to the informant is simple in nature, accordingly, I



am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 10th Additional Chief Judicial Magistrate, East Champaran at Motihari, in connection with Kotwa Police Station Case No. 146 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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