

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29915 of 2023

Arising Out of PS. Case No.-1281 Year-2022 Thana- COMPLAINT CASE District- Banka

1. JHANGO CHOUDHARY @ CHHANGORI CHOUDHARY @
CHANGORI CHOUDHARY SON OF SARYUG CHOUDHARY R/O-
DHARAMPUR, P.S.-SHAMBHUGANJ, DISTT.-BANKA
2. SITA DEVI WIFE OF RAMDEO CHOUDHARY @ RAMDEV
CHAUDHARY R/O-DHARAMPUR, P.S.-SHAMBHUGANJ, DISTT.-
BANKA
3. RAMDEV CHAUDHARY SON OF SARYUG CHOUDHARY R/O-
DHARAMPUR, P.S.-SHAMBHUGANJ, DISTT.-BANKA
4. CHALITRA CHAUDHARY SON OF GANU CHOUDHARY R/O-
DHARAMPUR, P.S.-SHAMBHUGANJ, DISTT.-BANKA
5. CHINTA DEVI @ CHINTI DEVI WIFE OF CHALITRA CHOUDHARY
R/O-DHARAMPUR, P.S.-SHAMBHUGANJ, DISTT.-BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-07-2023 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
448, 506 of the Indian Penal Code and under Sections 3 /4 of
Prevention of Witch (*Daain*) Practices Act.

3. Learned counsel for the petitioners submits that the
petitioners are persons with clean antecedent and the petitioner
nos. 2 and 5 are women.



4. The complainant alleges that several named accused persons including the petitioners entered her house on pretext that she practices witchcraft and started assaulting her with leg and fist, thereafter, petitioner no. 1 pulled her *Sari*, petitioner no. 4 pressed her mouth and snatched her silver chain, thereafter, petitioner no. 1 along with Arvind and petitioner no. 3 caught her hand and petitioner no. 5 poured something in her mouth causing suffocation and Vikash took out valuable kept in the box and thereafter the accused demanded their money which they had spent on exorcism.

5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that the occurrence took place on account of dispute between children in which the children from the side of the informant were beaten by the children of the side of the petitioners and thus the present false case came to be instituted. It is further submitted that date of occurrence is 20.07.2022 and the complaint came to be filed on 23.07.2022 i.e. after a delay of three days and the complainant has not suffered any injury.

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

7. Considering the submissions made by the learned



counsel for the petitioners and the fact that petitioners are persons with clean antecedent, the petitioners above-named, in the event of their arrest or surrender before the learned trial court 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 trial court where the case is pending/successor court in connection with Complaint Case No. 1281 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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