

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46659 of 2023

Arising Out of PS. Case No.-29 Year-2021 Thana- BISFI District- Madhubani

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Mohammad Hannan @ Md. Hannan @ Hannan Son Of Md. Hasnain @
Mohammad Hasnain @ Kallu Resident Of Village- Dhepura P.S. Bisfi
(Aunsi), District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-09-2023 Heard Mr. Jitendra Kumar Bharti, learned counsel for
the petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Bisfi (Aunsi) P.S. Case No.29 of 2021, registered for the offences punishable under Sections 448, 323, 354, 308, 427, 504, 506, 380, 34 of the Indian Penal Code and Section 3/4 of the Prevention of Witch (Dain) Practices Act.

3. Allegedly, all the FIR named accused persons including the petitioner after insulting the informant by calling her as witch assaulted mercilessly. It is further alleged that the petitioner dragged the informant from her house and tore her clothes and other co-accused persons put ashes like substance upon her face. The husband of the informant was also assaulted



by the accused persons and snatched the valuables.

4. Learned counsel appearing on behalf of the petitioner submits that from the narration made in the FIR, it is evident that the first occurrence took place on 01.01.2020, but surprisingly no FIR has been instituted. Thereafter, the another occurrence which took place on 07.02.2021, the FIR has been instituted on 15.02.2021, but no reason for delay has been assigned. He further submits that the present case is nothing but a counter blast of a complaint case bearing Complaint Case No.49 of 2021 instituted by the brother of the petitioner against the informant and other co-accused persons. He next submits that if such occurrence have truly been taken place, she would have certainly lodged the FIR in the year 2020 itself, but only with a view to wreck vengeance, the present FIR has been instituted against the petitioner and his relatives. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the Court proceedings.

5. On the other hand learned APP for the State vehemently opposes the bail application and submits that specific allegation of outraging the modesty of the victim has been leveled against the petitioner.



6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the enmity between the parties, coupled with the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Benipatti, District-Madhubani, in connection with Bisfi (Aunsi) P.S. Case No.29 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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