

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48075 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- KHODAWANDPUR District- Begusarai

1. MANISH KUMAR @ CHANDAN SON OF HRIDAY NARAYAN MAHTO RESIDENT OF VILLAGE BARDAHA, POLICE STATION KHODAWANDPUR (O P.) CHAURAH, DISTRICT SAMASTIPUR
2. RAM CHANDRA MAHTO SON OF LATE LAKHAN MAHTO RESIDENT OF VILLAGE BARDAHA, POLICE STATION KHODAWANDPUR (O P.) CHAURAH, DISTRICT SAMASTIPUR
3. SUBODH KUMAR SON OF RAM CHANDRA MAHTO RESIDENT OF VILLAGE BARDAHA, POLICE STATION KHODAWANDPUR (O P.) CHAURAH, DISTRICT SAMASTIPUR
4. MANJAY KUMAR SON OF RAM CHANDRA MAHTO RESIDENT OF VILLAGE BARDAHA, POLICE STATION KHODAWANDPUR (O P.) CHAURAH, DISTRICT SAMASTIPUR
5. HRIDAY NARAYAN MAHTO SON OF LATE LAKHAN MAHTO RESIDENT OF VILLAGE BARDAHA, POLICE STATION KHODAWANDPUR (O P.) CHAURAH, DISTRICT SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Sharma
For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-08-2023

1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Khodawandpur (O.P. Chaurahi) PS Case No. 45 of 2023 dated 16-02-2023 registered under Section 341 / 323 / 354 (B) / 307 / 448 / 379 / 504 / 506 / 34 of the IPC and Section 3/4 of the Prevention of Witch Craft Practice Act.

3. As per the F.I.R. the petitioners along with other



accused persons arrived at the house of the informant, called her witch and on objection being raised by the informant, the accused persons outraged her modesty. Upon intervention of husband and daughter of the informant, the accused persons assaulted them with iron rod and Butt of the pistol due to which they sustained injury. The petitioners and accused persons also took away gold ornaments, documents related to land etc.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case due to previous dispute between the parties which would be evident from perusal of the F.I.R. He next submits that both the parties are agnates and the injury caused to the informant's husband and her daughter are simple in nature which would be evident from the impugned order itself and the statement made by the petitioners in paragraph- 11 of this application.

5. Regard being had to the submission made by the parties, taking into consideration the material on record and the fact that both the parties are agnates, there is previous land dispute between them and injury caused to the informant's husband and her daughter are simple in nature, as such, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on



anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Manjhaul, Begusarai in connection with Khodawandpur (O.P. Chaurahi) PS Case No. 45 / 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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