

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54010 of 2022

Arising Out of PS. Case No.-522 Year-2021 Thana- KHAGARIA District- Khagaria

ANMOL MAHTO @ AMOL KUMAR @ AMOL MAHTO S/O Late
Banarasi Mahto Resident of village- Rahima Halwai Tola, P.S.-
Khagaria(Gangaur) District-Khagaria Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate
For the Opposite Party/s : Mr.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-01-2023 Heard learned counsel for the petitioner and the
State.

The petitioner apprehends his arrest in connection with Khagaria (Gangaur) P.S. Case No. 522 of 2021 for the offence registered under Sections 147, 341, 323, 354(B), 504 and 506 of the Indian Penal Code and Section 3/4 of the Oprevention of Witch (Dayan) Practices Act.

As per the prosecution story, the informant alleged that the accused persons after announcing her as a '*Dayan*' assaulted with fist and slap and tried to outrage her modesty.

Learned counsel for the petitioner submits that only due to village rivalry, the accused persons have been implicated in this case. So far as this petitioner is concerned, there is no role to play in the matter and no injury is there. His further submission is that irrespective of the result of the case, the petitioner (s) on its own would like to pay Rs. 5,000/- to the



lady for the mental trauma she suffered due to allegedly calling her 'Dayan' through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned court to be handed over to the informant after checking the credentials;

Learned APP for the State opposes the prayer for anticipatory bail.

Taking into account the fact that the petitioner do not have criminal antecedent and there is no injury on the side of the informant, this Court is inclined to grant him relief, subject to payment of Rs. 5,000/- as stated above.

Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Gangaur) P.S. Case NO. 522 of 2021, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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