

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54704 of 2023

Arising Out of PS. Case No.-690 Year-2021 Thana- COMPLAINT CASE District- Supaul

1. MD. MAKSHOOD Son Of Late Kulai Mian Resident Of Balua Bazar, Ward No.5, Police Station - Balua Bazar, District - Supaul
2. MD. IDRISH Son Of Md. Shamsuddin Resident Of Balua Bazar, Ward No.5, Police Station - Balua Bazar, District - Supaul
3. MD. AAMIR Son Of Md. Sadik Mian, Resident Of Simrahi, Police Station - Raghapur, District - Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar
2. ZINAT PRAWEEEN, Wife Of Sadrey Alam Resident Of Malhani Punerbas, Ward No.09, Police Station And District - Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-08-2023 1. Heard learned counsel for the Petitioners and
learned APP for the State

2. Petitioners apprehend their arrest in connection with Complaint Case No. 690C of 2021 registered for the offence(s) punishable under Section(s) 323, 379, 504, 506 of the Indian Penal Code and Section 3 of Prevention of the Witch Practices Act.

3. The main submissions advanced by petitioners' counsel are that the instant matter is based on complaint filed against the petitioners and co-accused persons on which basis



learned court below has taken cognizance of the offences punishable under Section(s) 323, 379, 504, 506 of the Indian Penal Code and Section 3 of Prevention of the Witch Practices Act and out of the seven accused named in the complaint, five have been granted anticipatory bail by the trial Court itself and the allegations levelled against the petitioners are completely absurd and the same were levelled due to dirty village politics as complainant's parents and petitioners are co-villagers and as per statement made by the complainant during the inquiry, the first occurrence took place on 20.11.2021 and second occurrence took place on 23.11.2021 and she filed the complaint on 29.11.2021 i.e. six days after the last occurrence and she did not produce any single piece of document regarding the treatment of her son and her injury which also falsifies her allegation as to her and her son were assaulted by the petitioners and other co-accused persons. It is further submitted that the petitioners have fair and clean antecedent.

4. Learned APP appearing for the State has opposed the prayer for bail.

5. Considering the above submissions and mainly the nature of allegation appearing against the petitioners and their fair and clean antecedent, this Court is inclined to accept their



prayer for anticipatory bail. Accordingly, let the petitioners named-above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Complaint Case No. 690C of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J.)

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