

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57103 of 2023

Arising Out of PS. Case No.-744 Year-2020 Thana- MAJHAULIA District- West Champaran

1. SHARMA DAS Son of Late Mahavir Das Resident of Village-Karamwa, Ward No. 9, Police Station-Majhauriya, District-West Champaran.
2. NITISH DAS Son of Sharma Das Resident of Village-Karamwa, Ward No. 9, Police Station-Majhauriya, District-West Champaran.
3. MITHUN DAS Son of Sharma Das Resident of Village-Karamwa, Ward No. 9, Police Station-Majhauriya, District-West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Mr. Anant Kumar Mishra, learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Majhauriya P.S. Case No. 744 of 2020, registered for the offences punishable under Sections 447, 341, 323, 354(B), 379, 504, 34 of the Indian Penal Code and Sections 3/4 of the Prevention of Witch Practices Act.

3. Allegedly, while the informant was in her home along with her daughter, in the meantime, all the accused persons came there and thrashed her by catching hold her hair. It



is further alleged that petitioners no. 2 and 3 also assaulted her and torn her clothe and when her daughter came to save her she was also assaulted and the accused persons snatched away the valuables.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are none-else but their own relatives. Petitioner No. 1 is the own brother of the husband of the informant whereas the petitioners no. 2 and 3 are nephew. He further submits that though there is allegation of assault but neither the informant nor her daughter has sustained any injury. That apart, the learned court below has taken cognizance under Sections 447, 341, 323, 354(B), 504/34 and no case under Sections 3/4 of the Prevention of Witch Practices Act has been found. It is lastly submits that the petitioners are men of fair antecedent.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the relationship between the parties and the nature of accusation, coupled with the fact that no injury has been sustained to any person and the fair antecedent of the petitioner, let the petitioners abovenamed be



released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauriya P.S. Case No. 744 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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