

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67831 of 2022

Arising Out of PS. Case No.-2357 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Sanjeev Kumar S/O Kusheshwar Rai Resident of Village- Mordiya, P.S.-
Samastipur (Muffasil), District- Samastipur.

... .. Petitioner/S

Versus

1. The State of Bihar
2. Suraji Devi W/O Sri Ramvaran Rai Resident of Village- Mordiya, P.S.-
Samastipur (Muffasil) District- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Choudhary Shyam Nandan, Advocate
For the Complainant	:	Mr. Bijay Bhushan Prasad, Advocate
For the State	:	Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 25-04-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The accused/petitioner is named in complaint petition
and apprehending his arrest in Complaint Case No. 2357 of
2019, T.R. No. 2217/2022 taken cognizance under Sections 323,
341, 447, 379, 504/34 of the Indian Penal Code (in short
'I.P.C.') and Section 3/4 of Prevention of Witch Craft (Dain)
Practice Act.

The allegation against this petitioner is to forcibly



administer the human faeces/excreta to complainant along with other co-accused persons as petitioner was under belief that complainant involved in witch practice or said to be a *dain*.

Learned counsel appearing on behalf of the petitioner submitted that the present complaint case is with oblique motive to implicate petitioner in false case to create a pressure for compromise the litigation as arises out of land disputes. It is submitted that petitioner and complainant are agnate and a proceeding under Section 107 of Criminal Procedure Code is pending before Sub-Divisional Magistrate, Samastipur, as M.R. No. 1314/2017. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

Learned APP, duly assisted by learned counsel for the complainant, Mr. Bijay Bhushan Prasad, opposes the prayer of bail.

Considering the aforesaid facts and circumstances and by taking note of totality of allegation in the background of pending land dispute, the above named petitioner, in the event of his arrest or surrender within a period of four weeks, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief



Judicial Magistrate, V, Samastipur/concerned Court, where the case is pending in Complaint Case No. 2357 of 2019, T.R. No. 2217/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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