

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76473 of 2023

Arising Out of PS. Case No.-170 Year-2023 Thana- ATRI District- Gaya

1. Shyamsundar Chouhan @ Subodh Krishna Son of Tetar Chouhan R/o vill - Koriachak, P.S. - Atri, Distt. - Gaya, Bihar
2. Lal Babu Chauhan Son of Tetar Chouhan R/o vill - Koriachak, P.S. - Atri, Distt. - Gaya, Bihar
3. Gore Lal Chauhan Son of Tetar Chouhan R/o vill - Koriachak, P.S. - Atri, Distt. - Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brijeshwar Narayan Singh, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Mr. Brijeshwar Narayan Singh, learned counsel
for the petitioners and the learned APP for the State through
video conferencing.

2. The petitioners are apprehending their arrest in connection with Atri, Gaya P.S. Case No. 170 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 504, 506 of the Indian Penal Code and Sections 3/4 of the Witch Craft Act.

3. Allegedly the petitioners and others armed with Lathi and Danda barged into the house of the petitioners and started abusing and assaulting the women, including the



informant as well as male members by making allegation of witch craft. In the aforesaid process, the accused persons also stealthily taken away Rs.10,000/- and other valuables.

4. Submission has been made on behalf of the petitioners that in fact prior to the institution of this case, the person of the petitioners' side had instituted Gaya Sadar Mahila P.S. Case No. 76 of 2022 against the informant and others and this case is nothing, but a counter blast to the earlier case lodged by the petitioners' side. It is further submitted that there is counter version of the present occurrence, being Atri P.S. Case No. 171 of 2023 lodged by the sister of the petitioners accusing the informant's side of intimidating her and her family members to compromise the case. He further submits that though there is omnibus nature of allegation of abuse and assault, but the fact is that none has sustained any injury nor has been discussed in the impugned order. He lastly submits that the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation or in the proceedings of the Court.

5. On the other hand, learned APP for the State opposes the bail application and submits that all the petitioners in furtherance of common intention assaulted the informant and others.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that prior to lodging of the present F.I.R., there is a case instituted by the sister of petitioners against the informant and others, apart from the fact there is no injury sustained to any of the persons and omnibus nature of allegation, coupled with the fair antecedent of the petitioners, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Atri, Gaya P.S. Case No. 170 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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