

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20874 of 2024

Arising Out of PS. Case No.-649 Year-2023 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. Jamirul Nadaf @ Md. Jamirul, Son of Hussaini Nadaf, Resident of Village- Manikchowk, Ward No. 2, P.S.- Runnisaidpur, District-Sitamarhi
 2. Hamid Raza @ Md. Hamid Raza, Son of Hussaini Nadaf, Resident of Village- Manikchowk, Ward No. 2, P.S.- Runnisaidpur, District-Sitamarhi
 3. Ahmad Raza @ Md. Ahmad, Son of Hussaini Nadaf, Resident of Village- Manikchowk, Ward No. 2, P.S.- Runnisaidpur, District-Sitamarhi
 4. Shakila Khatoon, D/o of Hussaini Nadaf, Resident of Village- Manikchowk, Ward No. 2, P.S.- Runnisaidpur, District-Sitamarhi
 5. Md. Zahir, Son of Salim Nadaf, Resident of Village- Manikchowk, Ward No. 2, P.S.- Runnisaidpur, District-Sitamarhi
 6. Md. Altaf, Son of Md. Zahir, Resident of Village- Manikchowk, Ward No. 2, P.S.- Runnisaidpur, District-Sitamarhi
 7. Md. Zahir, Son of Md. Late Lal Babu, Resident of Village- Manikchowk, Ward No. 2, P.S.- Runnisaidpur, District-Sitamarhi
 8. Sahana Khatoon, Wife of Jamirul Nadaf, Resident of Village- Manikchowk, Ward No. 2, P.S.- Runnisaidpur, District-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Complaint Case No. 649 of 2023, registered for the offences under Sections 147, 323 and 341 of the Indian Penal Code and Section 3/4 of the Prevention of Witch Practice Act.



3. As per prosecution case, petitioners, who were armed with *danda*, *farsa* and other weapons, came to the doors of the complainant and called the complainant witch. The petitioners also assaulted the complainant and put night soil in the mouth of the complainant who became unconscious and thereafter the petitioners took away gold chain and other ornaments of the complainant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Except Section 3/4 of the Prevention of Witch Practice Act, all other sections of IPC in which cognizance has been taken are bailable in nature. There is general and omnibus allegation against all the petitioners who are agnates of the complainant and no overt act has been attributed against any of them. The occurrence took place in the background of land dispute with regard to a passage of land. Learned counsel further submits that the complainant did not go to the police station and filed the present case without any report to the doctor. The petitioners are having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail. Learned APP further submits that there is specific allegation against the petitioners is that all of them tried to administer night soil to the complainant.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the background of land dispute and also considering the clean antecedent of the petitioners coupled with possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sitamarhi/concerned court in connection with Complaint Case No. 649 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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