

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44851 of 2024

Arising Out of PS. Case No.-2869 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Yado Lal Paswan Son Of Late Lochan Paswan Godva, P.S. Muffasil Motihari, Distt.- East Champaran
 2. Bigu Paswan Son Of Late Lochan Paswan Godva, P.S. Muffasil Motihari, Distt.- East Champaran
 3. Sujit Paswan @ Sujit Kumar Son Of Yado Lal Paswan Godva, P.S. Muffasil Motihari, Distt.- East Champaran
 4. Ajit Paswan @ Ajit Kumar Son Of Yado Lal Paswan Godva, P.S. Muffasil Motihari, Distt.- East Champaran
 5. Savita Devi @ Sakita Devi W/O- Bigu Paswan Godva, P.S. Muffasil Motihari, Distt.- East Champaran
 6. Asha Devi W/O- Yado Lal Paswan Godva, P.S. Muffasil Motihari, Distt.- East Champaran
 7. Sabita Devi W/O- Nand Lal Paswan Godva, P.S. Muffasil Motihari, Distt.- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Anita Devi, W/O- Sudhir Ram, Village- Godhwa, P.S.- Motihari, Distt.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-07-2024 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. 2869 of 2023, registered for the offences under Sections 323, 324, 341, 379 and 504/34 of the Indian Penal Code and



Section 3/4 of the Prevention of Witch (Daain) Practices Act.

3. As per prosecution case, petitioners and other co-accused persons abused and assaulted the complainant calling her witch. Husband of the complainant was also assaulted with rod, legs and fists etc.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Though it is alleged that the complainant and her husband received injuries on their heads but the injuries are stated to be simple. The complaint case has been lodged after delay of ten days for which there is no explanation. In the present case all the offences are bailable except Section 379 of IPC and Section 3/4 of Prevention of Witch Practices Act. Petitioners are having clean antecedent.

5. Learned APP vehemently opposes the prayer for anticipatory bail. Learned APP submits that petitioners tried to make the complainant eat excreta.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the simple nature of injury and further considering the general and vague nature of allegation against the petitioners and also considering the 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 Chief Judicial Magistrate, East Champaran, Motihari/concerned court in connection with Complaint Case No. 2869 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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