

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45404 of 2024

Arising Out of PS. Case No.-187 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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1. Madan Mali Son of Late Mua Mali Resident of Vill- Johnpool, Dom Toli, P.S.- Town, District- East Champaran.
 2. Arjun Mali Son of Madan Mali Resident of Vill- Johnpool, Dom Toli, P.S.- Town, District- East Champaran.
 3. Karan Mali Son of Madan Mali Resident of Vill- Johnpool, Dom Toli, P.S.- Town, District- East Champaran.
 4. Mukesh Mali Son of Madan Mali Resident of Vill- Johnpool, Dom Toli, P.S.- Town, District- East Champaran.
 5. Bigani Devi Wife of Madan Mali Resident of Vill- Johnpool, Dom Toli, P.S.- Town, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Motihari Town P.S. Case No. 187 of 2024 dated 28.03.2024,
instituted for the offence punishable under Sections 147, 148,
149, 120(B), 302/34 of the Indian Penal Code and Section 3 and
4 of Prevention of Witch Practices Act.

3. The prosecution case, in short, is that on
31.09.2023 at about 01:00 pm, all the accused persons including



the petitioners came at the house of the complainant and started abusing the mother in-law of the complainant. When the mother in-law of the informant opposed then, Madan Mali (petitioner no. 1) assaulted her with lathi due to which she sustained injury and fell down on the ground. It is further alleged that all the petitioners armed with lathi, rod and bricks assaulted the mother in-law of the complainant, as a result, she died. It is further alleged that when the complainant and her daughter came to save her then they were also assaulted by the petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioners are agnates of the husband of the deceased. From bare perusal of the complaint/FIR, it is evident that the date of occurrence is 31.09.2023 but the instant complaint has been lodged much prior to the date of occurrence on 19.09.2023. It is further submitted that petitioner no. 1 is the own devar of the deceased and rest petitioners are her family members. It is also submitted that deceased was a lady advance age about 80 years and was suffering from old age ailments due to which she died her natural death. It is next submitted that there is no injury report, no inquest report and no postmortem report available on record.



It is further submitted that all the stories have been concocted by the informant. There is no any earlier case filed by the informant in view of the allegations mentioned in the complaint/FIR. Lastly, it has been submitted that the petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Motihari Town P.S. Case No. 187 of 2024, they shall be released on anticipatory bail 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, Motihari, East Champaran, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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