

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18556 of 2023

Arising Out of PS. Case No.-50 Year-2022 Thana- MAIGRA District- Gaya

1. CHANDRADEO BHUIYAN Son of Nanhak Bhuiyan R/V- Panchmand, P.s- Maigra, Dist- Aurangabad Bihar
2. Kismatiya Devi Wife of Chandradeo Bhuiyan R/V- Panchmand, P.s- Maigra, Dist- Aurangabad Bihar
3. Chandresh Bhuiyan @ Chandresh Bharti Son of Chandradev Bhuiyan R/V- Panchmand, P.s- Maigra, Dist- Aurangabad Bihar
4. Gollu Bhuiyan @ Shyam Kumar Son of Chandradev Bhuiyan R/V- Panchmand, P.s- Maigra, Dist- Aurangabad Bihar
5. Sawai Bhuiyan @ Subai Kumar Son of Chandradev Bhuiyan R/V- Panchmand, P.s- Maigra, Dist- Aurangabad Bihar
6. Ram Kumar Bhuiyan Son of Chandradev Bhuiyan R/V- Panchmand, P.s- Maigra, Dist- Aurangabad Bihar
7. Lalu Bhuiyan @ Late Kumar Son of Chandradeo Bhuiyan R/V- Panchmand, P.s- Maigra, Dist- Aurangabad Bihar
8. Manita Devi Wife of Chandradeo Bhuiyan R/V- Panchmand, P.s- Maigra, Dist- Aurangabad Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-06-2023 Heard Mr. Shailesh Kumar Singh, learned counsel for the petitioners and Mr. Ashok Kumar Singh, learned A.P.P. for the State.

2. At the outset, learned counsel appearing on behalf of the petitioners informs this Court that petitioner nos. 1, 2, 3, 6 and 8 have surrendered before the Court below during the pendency of the present bail application and as such the present application for grant of pre-arrest bail against them has become infructuous.



3. In view of the above submission, the petition filed on behalf of the petitioner nos. 1, 2, 3, 6 and 8, is dismissed as withdrawn.

4. The petitioner nos. 4, 5 and 7 seek pre-arrest bail in connection with Maigra P.S. Case No. 50 of 2022 dated 06.11.2022 registered for the offence punishable under Sections 147, 148, 149, 447, 448, 436, 427, 379, 382, 307, 120(B), 341 and 34 of the Indian Penal Code.

5. Prosecution story, in brief, is that the son of the accused Chandradeo Bhuiyan had died due to witchcraft performed by the wife of the informant which led to the committing of murder of the informant's wife. Allegation is against 200 persons.

6. Learned counsel appearing on behalf of the petitioner submitted that there is allegation against altogether 200 unknown persons and 64 named persons. So far as the petitioner nos. 4, 5 and 7 are concerned, there is general and omnibus allegation has been made against them that they were also present at the place of occurrence and allegedly committed murder of the wife of the informant. He further submitted that petitioners are innocent and have no criminal antecedent.

7. Learned APP for the State vehemently opposed the



prayer for grant of pre-arrest bail.

8. Considering the nature of allegation made in the FIR that there is general and omnibus allegation against the petitioner nos. 4, 5 and 7, the petitioner nos. 4, 5 and 7, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J. M Sherghati (Gaya) in connection with Maigra P.S. Case No. 50 of 2022 subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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