

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2098 of 2023

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

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MANGRI DEVI W/O INDAL PASWAN @ INDRADEV PASWAN R/O
Village- Pachmah Phulwaria, P.S- Maigra, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Arjun Das S/O Parmeshwar Das R/O Village- Panchmah Phulwaria, P.S- Maigra, Distt.- Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Vishwa Ranjan Choudhary
For the Respondent/s	:	Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-08-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 31.3.2023 passed by learned Exclusive Special Judge SC/St Act, Gaya whereby the prayer for bail of the appellant in connection with Maigra P.S. Case no. 50 of 2022 under Sections 147, 148, 149, 447, 448, 436, 427, 341, 342, 379, 382, 307, 302, 120(B)/34, 440, 449, 452, 461, 396, 397, 402 of the Indian Penal Code, sections 3/4 of the Prevention of Witch Act and sections 3(i)(s)(u)(2)(2b)(3)/ 2(iii)(iv)(v)(va) of SC/ST Act was rejected.

According to the FIR, the accused persons including the appellant are alleged to have poured kerosene oil over the



wife of the informant and set her on fire after making allegation that she happens to be a witch.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. He has not taken the cast name of the informant in public view hence, no offence is made out under the provisions of the SC/ST Act against him. From perusal of FIR, it appears that there is general and omnibus allegation against the appellant and no specific allegation of assault or any overt act is attributed to her rather the allegation of assault is attributed to other co-accused persons. Similarly situated other co-accused of the case have already been granted bail by different co-ordinate Bench of this Court. The appellant is a lady and she is languishing in judicial custody since 7.11.2022.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 31.3.2023 passed in Maigra P.S. Case No. 50 of 2022 is hereby set aside.



The appellant is directed to be enlarged on bail in connection with Maigra P.S. Case No. 50 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Gaya.

(Sunil Kumar Panwar, J)

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