

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37269 of 2023

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

1. SANTU KUMARI D/O SURENDRA BHUIYAN R/O Vill. Pachmah, PS. Maigra, Dist. Gaya
2. SURENDRA BHUIYAN S/O NANHAK BHUIYAN R/O Vill. Pachmah, PS. Maigra, Dist. Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Adv.

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Maigra P.S.
Case No. 50 of 2022 registered for the offence under Sections
147, 148, 149, 447, 448, 436, 427, 341, 342, 379+, 382, 307, 302
and 120(B) of the Indian Penal Code and Section 3/4 of the
Prevention of Witch Act.

The petitioner along with other F.I.R. named accused
persons are alleged to have poured petrol/Kerosene over the
wife of the informant and set her on fire after making allegation
that she happens to be a witch.

Learned counsel appearing for the petitioners submits
that the petitioners, who are of clean antecedent, are innocent



and have falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioners have not committed any offence. He further submits that there is general and omnibus allegation against the petitioners and no specific allegation of assault or any overt act is attributed to them rather the allegation of assault is attributed to the other accused persons. Moreover, co-accused, Brihaspat Bhuiyan has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.06.2023 passed in Cr. Misc. No. 36692 of 2023 and two other co-accused, namely, Gollu Bhuiyan @ Shyam KUmara and Sawai Bhuiyan @ Subai have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 12.06.2023 passed in Cr. Misc. No. 18556 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 06.11.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Executive Special Judge, SC/ST Act, Gaya in connection with Maigra P.S. Case No. 50



of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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