

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2605 of 2024

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

Saroj Devi W/o Pravesh Bharti R/o Village-Panchmah, P.S.-Dumariya, Phulwariya, District-Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Arjun Das S/o Parmeshwar Das R/o Village-Panchmah, P.S-Maigra , District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailesh Kumar Singh, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 02-08-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The appellant is apprehending arrest in connection with Maigra P.S. Case No. 50 of 2022 lodged on 06.11.2022 for offences punishable under Section 147, 148, 149, 447, 448, 436, 427, 379, 382, 307, 341, 302, 120B of the Indian Penal Code and Section 3/4 of Witch and later on added Section 3(i)(r) (s) (v)2 (1-b), 3(2) (iii)(iv)(v)(v-a) of Schedule Caste and Schedule Tribe (POA) Act

3. The present appeal has been filed for setting aside the order dated 11.10.2023 passed by Exclusive Special Judge SC/ST Special Court Gaya passed in A.B.P. No. 346 of 2023



arising out of Maigra P.S. Case No. 50/2022.

4. Counsel for the appellant submits that the present F.I.R. has been lodged against 200 unknown and 69 named person with allegation that son of the accused died due to witchcraft performed by the wife of the informant which resulted into surrounding the entire house of the deceased and 69 known and 200 unknown accused persons have killed the informant wife.

5. Counsel further submits that the appellant is innocent and has committed no offence. He submit that the appellant is a lady aged about 30 years and she is not named in the F.I.R. There is no direct or indirect allegation against her. He further submits that the appellant has been made accused in this case only due to the reason that some of her relatives are named in the F.I.R.

6. Counsel for the appellant submits that the named accused person has been granted bail by this Court vide order dated 05.07.2024 passed in Cr. Appeal(SJ). No.5215 of 2023.

7. Learned Special Public Prosecutor opposes the prayer for anticipatory bail and submits that the appellant is not named in the F.I.R. and allegation is general and omnibus against huge number of persons.

8. Considering the nature of allegation made in the



F.I.R., let the above named appellant be released on bail, in the event of arrest of surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs. 30,000/- (Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Court Special Judge SC/ST Special Court Gaya in connection with A.B.P. No. 346 of 2023 arising out of Maigra P.S. Case No. 50 of 2022, subject to the condition as laid down under Section 438(2) Cr.P.C.

(Dr. Anshuman, J.)

Prakashmani/-

U		T	
---	--	---	--

