

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3899 of 2023

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

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1. Chinta Devi Wife Of Kailu Bhuiyan Resident Of Village- Pachmah Ps- Maigra District- Gaya
 2. Guddi Devi Wife Of Jitendra Bharti Resident Of Village- Pachmah Ps- Maigra District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Arjun das son of prameshwar das resident of village- pachmah ps- maigra district- gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailesh Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 11-01-2024 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 31.3.2023 passed by learned Exclusive Special Judge SC/ST Act, Gaya whereby the prayer for bail of the appellants 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 ¾ of the Prevention of Witch Act and sections 3(i)(r)(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 appellants 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 appellants that appellants is innocent and have committed no offence. They have been falsely implicated in this case due to dirty village politics. They have not taken the caste name of the informant in public view hence, no offence is made out under the provisions of the SC/ST Act against them. From perusal of FIR, it appears that there is general and omnibus allegation against the appellants and no specific allegation of assault or any overt act is attributed to them rather the allegation of assault is attributed to other co-accused persons. The other co-accused namely, Mangri Devi has already been granted bail by this Bench vide order dated 03.08.2023 passed in Cr. Appeal (SJ) No. 2098 of 2023. The appellants have got no criminal antecedent. The appellants are lady and they are languishing in judicial custody since 06.11.2022.

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



Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, 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 appellants are 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) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Gaya.

(Sunil Kumar Panwar, J)

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