

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5215 of 2023

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

SIYAWAR KUMAR RAJAK SON OF RAM KRIT RAJAK RESIDENT OF
VILLAGE- PHULWARIYA P.S. DUMARIYA, DISTRICT- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. ARJUN DAS SON O PARMESHWAR DAS RESIDENT OF VILLAGE-
PANCHMAH, P.S. MAIGRA, DISTRICT- GAYA (BIHAR)

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 05-07-2024 Heard learned counsel for the appellant and learned
Special APP 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 DAIIN Act, Section 3(i)(r) (s)(v)(z-b), 3(2) (iii)(iv)(v)(v-a) of Schedule Case and Schedule Tribe (POA) Act

3. The present appeal has been filed for setting aside the order dated 29.09.2023 passed by Exclusive Special Judge SC/ST Special Court Gaya passed in A.B.P. No. 324 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 64 unnamed person with allegation that son of the accused namely Chandradeo Bhuyian had died due to witchcraft performed by the wife of the informant which led to committing murder of the informant wife. Counsel further submits that appellant is innocent and committed no offence. He submit that appellant possesses no criminal antecedents. He submits that from the bare perusal of the F.I.R., it become crystal clear that the allegation is general and omnibus against the series of accused persons and only material come against the petitioner is that the petitioner along with the others were present at the place of occurrence.

5. Counsel for the appellants submits that the other accused persons have been granted bail by this Court vide order dated 12.06.2023 passed in Cr. Misc. No. 18556 of 2023.

6. Learned Special PP opposes the prayer for pre-arrest bail and submits that allegation is general and omnibus and against huge number of persons.

8. Considering the nature of allegation made in the F.I.R. that there is general and omnibus allegation, 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 subject to the condition as laid down under Section 438(2) Cr.P.C.

(Dr. Anshuman, J)

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