

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.67 of 2024

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

Binod Mistri @ Binod Vishwakarma Son of Rameshwar Mistri Resident of
Village- Pachmah, P.S.- Maigra District- Goa.

... .. Appellant/s

Versus

1. The State of Bihar
2. Arjun Das Son of Parmeshwar Das Resident of Village- Pachmah P.S.-
Maigra District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nand Kishore Prasad Sinha, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 07-08-2024 Learned counsel for the appellant and learned Spl. P.
P. for the State are present.

2. The appellant is apprehending arrest in connection with Maigra P.S. Case No. 50 of 2022 registered under sections 147, 149, 447, 448, 436, 427, 379, 382, 307, 302, 341, 342, 120 B of the Indian Penal Code and Sections 3/4 of the Prevention of Witch (daain) Practice Act, Section 3(i), (r) (s) (u) (z), z(b), 3(2)(iii), (iv)(v) (v-9) of SC/ST Act.

3. The present appeal has been filed for setting aside the order dated 04.10.2023 passed by the Exclusive Special Judge SC/ST Spl. Court, Gaya in A.B.P. No. 331 of 2023 arising out of Maigra P.S. Case No. 50 of 2022.



4. As per the prosecution, the present F.I.R. has been lodged against 64 named and 200 unknown accused persons including the petitioner with an allegation of entering into the house of the informant forcibly and burned the wife of the informant to death after pouring petrol on her body.

5. Learned counsel for the appellant submits that the appellant is innocent and has committed no offence. The antecedent of the appellant is clean. The accusation is not specific against the appellant rather it is omnibus and general. Nothing incriminating has been found against the appellant. In fact, the appellant has no concern with the alleged occurrence, but due to village politics, he has been dragged in the present case. He further submits that other co-accused has been granted bail by this Court vide order dated 05.07.2024 passed in Criminal Appeal (SJ) No. 5215 of 2023.

6. Learned Special P. P. for the State opposes the prayer for bail.

7. In view of the nature of allegation levelled in the FIR, it transpires to this Court that it is a fit case for consideration of prayer for regular bail.

8. Accordingly, the prayer for bail of the appellant in connection with Maigra P.S. Case No. 50 of 2022 pending be-



fore the learned Court of Exclusive Special Judge, SC/ST, Gaya
is hereby rejected.

9. However, the trial Court is directed to consider the
prayer for regular bail of the appellant on the same day on merit
without being prejudiced by the present order.

(Dr. Anshuman, J.)

Ashwini/Aman/-

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