

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2915 of 2024

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

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1. Sona Devi Wife Of Raju Bhuiya Village- Pachmah Phulmariya, Ps- Maigra, Dist- Gaya
 2. Rita Devi @ Rita Kumari Wife Of Sonu Kumar @ Sonu Bhuiya Village- Pachmah Phulmariya, Ps- Maigra, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Arjun Das Son Of Prameshwar Das Village- Pachmah Phulmariya, Ps- Maigra, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjit Kumar Thakur, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

11 17-04-2025 Despite filing *Vakalatnama*, none appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellants and the State.

3. This appeal has been filed against the order dated 04.03.2024 passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with A.B.P. No. 65 of 2024 arising out of Maigra P.S. Case No. 50 of 2022, registered under Sections 147, 148, 149, 447, 448, 436, 427, 379, 382, 307, 302, 120(B), 341, 342, 109, 117 of the Indian Penal Code, Section ¾ of the Prevention of Witch (*Daain*) Practices Act and Section 3(1)(r)(s)



(u)(2)(2b), 3(2b) iii (iv)(v)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. Prosecution case, in brief, is that son of the informant died one month ago due to illness but co-villagers blamed the wife of informant for his death and called her *daain*. On 05.11.2022, all the F.I.R. named accused persons including these appellants along with 200 unknown miscreants entered the house of informant, abused family members of the informant by caste name, assaulted them and killed his wife. It is further alleged that the accused persons also took away jewellery worth Rs. 1,50,000/-.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. He next submits that allegation against the appellant is general and omnibus and there is no specific allegation against them. Rest of the allegations are ornamental. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against the appellants. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.



7. Considering the nature of accusation and clean antecedent, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, SC/ST, Gaya in connection with Maigra P.S. Case No. 50 of 2022.

8. Accordingly, this criminal appeal is allowed and impugned order dated 04.03.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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