

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45049 of 2016

Arising Out of PS.Case No. -266 Year- 2014 Thana -BAHERI District- DARBHANGA

- =====
1. Ram Prasad Mahto, son of Baldeo Mahto
 2. Urmila Devi, wife of Ram Prasad Mahto.

Both are resident of village-Sher, P.S.-Baheri, District-Darbhang.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 19-10-2016

Heard learned counsel for the petitioners and
learned counsel for the State.

The petitioners seek pre-arrest bail in connection
with Baheri P.S. Case No. 266 of 2014 dated 12.11.2014
registered under Sections 341, 342, 323, 504, 307 and 498-A
read with 34 of the Indian Penal Code, but, subsequently,
Section 302 of the Indian Penal Code was added in the FIR.

The prayer for grant of pre-arrest bail of the
petitioners was earlier rejected by this Court vide order dated
08.09.2015 passed in Cr. Misc. No. 18155 of 2015 taking into
consideration the serious nature of allegation made by the

deceased Veena Devi herself, whose statement was recorded in the emergency ward of Patna Medical College and Hospital, Patna, wherein she had stated that her husband took her in a room and, in the meantime, other accused persons set her on fire.

It has been submitted by Mr. P.K. Jha, learned counsel for the petitioners that despite lapse of over two years, the investigation is incomplete as far as the petitioners are concerned. He has submitted that in case of husband of the deceased Umanand Mahto @ Baijnath Mahto, the police had already submitted charge-sheet and after perusal of the materials available on record, a co-ordinate Bench of this Court has granted him bail vide order dated 29.10.2015 passed in Cr. Misc. No. 29368 of 2015. He has further submitted that the witnesses examined during trial in the case of Umanand Mahto @ Baijnath Mahto have also not supported the case of the prosecution.

Be that as it may, regard being had to the gravity of the offence and the nature of allegation made against the petitioners in the FIR, I see no reason to take a different view of the matter. Accordingly, the application is dismissed.

In case the petitioners surrender and seek bail, the same shall be considered on its own merit without being

prejudiced in any manner by the order of rejection of the application under Section 438 of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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