

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55982 of 2017

Arising Out of PS.Case No. -99 Year- 2017 Thana -SIMRIBAZAR District- DARBHANGA

=====

1. Vijay Mahto, Son of Ram Prasad Mahto, Resident of Village- Madhopur,
Police Station- Simari, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Singh

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 09-01-2018

Heard the counsels for the parties.

The petitioner seeks bail in connection with Simari P.S.

Case No. 99/2017 dated 22.08.2017, which was initially instituted for the offences under Sections 341, 342, 323, 354, 448, 449, 436, 427, 307, 379, 504 and 506/34 of the Indian Penal Code, but later with the death of one Tetri Devi, Section 302 of the Indian Penal Code was added.

The mother of the informant is said to have been set on fire. The F.I.R., which has been lodged by Ruby Kumari, the daughter of the deceased, indicates that there was some dispute with respect to passage with her cousin and in the past, the cousin of the informant along with other anti-social elements of the village had assaulted and abused the deceased and the informant.



On 21.08.2017, when the petitioner was asked by the deceased to vacate the land owned by her, she was abused and threatened. Later, with the arrival of the villagers, nothing untowards happened, but the accused persons had threatened to kill the mother and daughter both. In the previous night of the occurrence, while the informant was sleeping in her house along with the deceased, her cousin Biji Mahto along with others entered into the house and damaged the house and property. When the informant came out to raise alarm, all the accused persons set her mother on fire, as a result of which, she became seriously injured and had to be taken to D.M.C.H., Darbhanga and from there to P.M.C.H., Patna.

Learned counsel for the petitioner has submitted that though the petitioner has been named in the F.I.R. but the allegation against him is of general and omnibus nature. It has been submitted that the deceased herself had made statement before the police alleging that in the night of the occurrence, one person had scaled over the wall and had come inside the house. The informant of the present case, viz. Ruby Kumari, was tied with a rope and the deceased was set on fire. It has further been submitted that there is big difference between the statements by the deceased and the informant. It has also been pointed out that



the dispute of the informant and the deceased is with one Biji Yadav and the petitioner is only a co-villager of aforesaid Biji Yadav. Charge-sheet in this case has already been submitted.

The petitioner is in custody since 23.08.2017 and he does not bear any criminal antecedent.

Considering the aforesaid facts, the petitioner above named is directed to be released on bail on his furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Simari P.S. Case No. 99/2017.

(Ashutosh Kumar, J.)

Rakhi

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

