

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.69444 of 2018**

Arising Out of PS. Case No.-99 Year-2017 Thana- SIMRI District- Darbhanga

Ramdeo Mahto, Son of Late Lakhan Mahto, Resident of Village- Madhopur,  
P.S.- Simri, District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh 1, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

2      30-11-2018                      Heard Sri Vinay Kumar Mishra, learned counsel for  
the petitioner and Sri Anil Kumar Singh, learned Addl. Public  
Prosecutor.

The sole petitioner, who is in custody only since 11-07-2018 in Simri P.S. Case No. 99 of 2017 registered for the offence under Sections 341, 323, 354, 448, 449, 436, 427, 307, 504, 506/34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added, has prayed for grant of bail, mainly on the ground that one of the co-accused in similar circumstance has been granted bail by a co-ordinate Bench of this Court. He submits that the petitioner was not named in the F.I.R., but during investigation, he was arrayed as accused. Mainly on the ground of parity, a prayer is being made for grant of bail.



Learned Addl. Public Prosecutor, by way of referring to the material on record, submits that petitioner's name has come in the dying declaration of the deceased, which was recorded in presence of learned Executive Magistrate.

Besides hearing, I have also perused the material on record. While rejecting the prayer for bail, learned court below has categorically mentioned that the deceased was set on fire and during treatment in injured condition, she disclosed the name of the petitioner. The deceased, namely, Tetari Devi had given dying declaration before the Executive Magistrate in P.M.C.H. In such circumstances, even though one of the co-accused has been granted bail, but conscious of this Court does not allow/ permit to enlarge the petitioner on bail.

The petition stands dismissed.

**(Rakesh Kumar, J.)**

nawalkrs/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

