

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20553 of 2019**

Arising Out of PS. Case No.-315 Year-2018 Thana- KOTWALI District- Munger

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Fanikant Mandal aged about 55 years Gender Male S/o Doman Mandal r/o
Mohalla Dilwarpur Bara P.S. Kotwali Dist. Munger

... .. Petitioner/s

Versus

State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dinesh Kumar Gupta, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 09-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed this application for grant of
bail in connection with Kotwali P.S. Case No. 315 of 2018
under sections 341,342,324,307 and 34 of the Indian Penal Code
to which section 302 of the IPC was added subsequently.

As per the allegation in the FIR, it is stated by the
informant that the wife of the petitioner poured petrol on his
body, Dayanand Mandal and others caught hold of him and the
petitioner lit matchstick as a result of which he sustained burn
injuries all over his body. He was brought to the Sadar Hospital,
Munger for treatment. It may be stated here that the informant
subsequently died in course of treatment.

By order dated 10.06.2019, case diary had been called
for and the same has been received.

It is submitted by learned counsel for the petitioner



that from perusal of the post-mortem report, the nature of burn injuries which has been found on the body of the deceased would show that it is not consistent with the allegations made by the informant in the FIR but was as a result of attempt by the informant to immolate himself. It was further submitted that from perusal of the case diary it would transpire that on 09.08.2018 at 18.30/1840 hours the Investigating Officer reached the emergency ward of the Sadar Hospital, Munger where the informant was under treatment. However, in subsequent paragraph the Investigating Officer records the statement of the informant Suresh Ram which purportedly is made by the informant at the place of occurrence which is about 2 kms., from the Police Station, Kotwali (Purab Sarai) in the District-Munger. Further it was submitted that from perusal of the fard-beyan of Sonu Kumar, who is son of the deceased recorded in course of investigation, it would transpire that as per his statement, all the accused persons caught hold of the deceased, the petitioner sprinkled petrol on him and all the accused persons are alleged to have lit him with the help of matchstick as a result of which his father got burnt. It was further submitted that the petitioner is in custody since 11.08.2018, the investigation having been completed, charge



sheet has been submitted in the case. It was finally submitted that the petitioner has falsely been implicated as there is a land dispute with the informant which was set up by one Munna Paswan.

The application for bail is opposed by learned APP for the State stating that there is direct allegation against the petitioner of having burnt the informant. Further the informant died in course of treatment. His fard-beyan would be treated as a dying declaration.

Having heard learned counsel for the petitioner, learned APP for the State and taking into consideration the fact that the informant, who subsequently died in course of treatment has categorically stated in the FIR that while the accused persons pinned him down, the wife of the petitioner sprinkled petrol on his body and it was the petitioner who lit him with the help of matchstick as a result of which he sustained serious burn injuries, the Court is not inclined to enlarge the petitioner on bail.

The application for bail of the petitioner stands rejected.

(Partha Sarthy, J)

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