

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16904 of 2019

Arising Out of PS. Case No.-78 Year-2018 Thana- MUFFASIL District- West Champaran

RAMAYAN MAHTO, 45 years(M) Son of Late Bidarath Mahto R/o village-
Purbi Kargahiya, Tola- Lalunagar, P.S.- Bettiah Muffasil, District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-03-2019 Heard both sides.

The petitioner apprehends his arrest in Bettiah Muffasil P.S. Case No.78 of 2018 registered under Sections 147, 149, 341, 323, 324, 448, 380, 427 and 506 of the Indian Penal Code.

The informant, Raunak Ara named the petitioner along with other accused persons and alleged that Dinesh Mahto and Ramayan Mahto caught Safi Alam and thereafter Raghunath Mahto sprinkled kerosene oil on his body and set him ablaze.

The learned counsel for the petitioner submits that from perusal of the F.I.R. itself, it would appear that no apparent burn injury on the body of Safi Alam was found. The allegation of Safi Alam is against Raghunath Mahto and not against the



petitioner. No offence under Section 307 of I.P.C. is made out. It is a case of simple assault. There is a counter version being Bettiah Muffasil P.S. Case No.79 of 2018. Both sides entered into scuffle and mutual assault on account of land dispute. Similarly situated accused persons namely, Lal Babu Mahto, Suman Devi and others have been granted anticipatory bail. Dinesh Mahto and Rameshwar Sah have been granted regular bail. The case of the petitioner stands on the same footing as that of Dinesh Mahto who is also alleged to have caught Safi Alam along with the petitioner.

Learned counsel for the informant and the learned A.P.P. however vehemently opposed the prayer for anticipatory bail.

It appears from perusal of the record that there is a case and counter case between two sides and there appears that both sides entered into mutual assault with each other. The only allegation against the petitioner is that he and Dinesh Mahto caught Safi Alam on which Raghunath Mahto is said to have set ablaze Safi Alam on fire.

Taking into consideration the facts aforesaid that only allegation against the petitioner is that he caught Safi Alam, let the petitioner, above named, in the event of his arrest or



surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Bettiah Muffasil P.S. Case No.78 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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