

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68070 of 2018

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

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Biji Mahto @ Bijli Mahto, Son of Basudeo Mahto, Resident of Village-
Madhopur, P.S.- Simri Distt- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar

For the Opposite Party/s : Mr. Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 23-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
06.08.2018 in a case registered for the offences punishable
under Sections 341, 342, 323, 307, 354, 448, 449, 436, 427,
302, 379, 504 and 34 of the Indian Penal Code.

The prosecution case as per the written report of
Rubi Kumari submitted to SHO, Simri Police Station is to the
effect that the cousin brother (petitioner) of the informant
blocked the way of the informant for his house against which
the mother of the informant submitted an application at Simri
P.S., which was forwarded to the S.D.O., and thereafter the
proceeding was initiated. Consequently, the accused persons
used to assault and abuse the informant. On 10.07.2017, the



measurement of the land was conducted by the Anchal Amin, but the petitioner did not agree with the measurement and the petitioner also encroached the land of the informant and on 21.08.2017, when the mother of the informant asked the petitioner to vacate the land, then five accused persons including the petitioner assaulted and abused the mother of the informant but due to intervention of the nearby people, the matter was pacified. Thereafter, at 12.30 A.M., in the mid-night when the informant and her mother were sleeping, the petitioner along with other accused persons came and damaged their household articles and took away gold jewellery and Rs. 2 lacs. It is further alleged that mother of the informant was put on fire by the petitioner and other co-accused persons, as a result she sustained burn injuries.

It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of land dispute. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that the informant's mother received accidental burn injuries.

Learned APP after going through the case diary submits that the fardbeyan of the victim, Tetri Devi as well as



the informant was recorded in which it was specifically alleged that the petitioner set the victim on fire in retaliation to the dispute regarding encroachment.

Considering the nature of accusation, this Court is not inclined to grant bail to the petitioner, in connection with **Simri P.S. Case No. 99 of 2017** pending in the Court of learned **CJM, Darbhanga.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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