

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63846 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- DARBHANGA District- Darbhanga

Abhimanyu Raj Rajput @ Baba S/O Arjun Singh @ Arun Singh R/O Village-
Ladaur, P.S- Simri, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Praveen Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 16-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks regular bail in connection with Town P.S. Case No. 39 of 2022 registered for the offences punishable under Sections 147, 149, 341, 323, 325, 327, 285, 288, 307, 354 and 436 of the Indian Penal Code and later added Section 302 of IPC.

Allegedly, the main accused Shiv Kumar Jha who intended to usurp the land of the informant used to abuse the informant and her family members. It is further alleged that the said accused along with forty unknown persons came with JCB

machine at the informant's house and started making preparation to demolish the house of the informant. It is further alleged that when the brother and sister of informant objected their advancement, the accused poured petrol over their body and set them on fire.

The main submissions advanced by learned counsel for the petitioner are that the petitioner is not named in the FIR and he is stated to be part of forty unknown persons whose details are mentioned in the FIR and as per the allegation the petitioner and the said unknown persons came along with the main co-accused namely, Shiv Kumar Jha with an intention to dispossess the victims from the disputed land and except the petitioner being part of the said mob, there is no any other specific allegation and the main allegation of victims about setting them on fire is against co-accused Shiv Kumar Jha and during the course of medical treatment both the victims recorded their statements in which also they did not reveal any specific role of the petitioner in respect of main incident which resulted in the death of the victims. Further submission is that the petitioner is not relative of the victims or the main co-accused and in between them a land dispute was running when the alleged occurrence took place and he has been languishing in jail since

14.02.2022 and similarly situated two co-accused persons namely, Mithilesh Kumar Paswan and Satish Paswan who are also alleged to be members of the said forty unknown persons have been granted bail by coordinate benches of this Court vide orders passed in Cr. Misc. No. 28248 of 2022 dated 09.02.2023 and Cr. Misc. No. 26380 of 2022 dated 16.01.2023 respectively.

Learned counsel for informant has vehemently opposed the bail prayer of the petitioner and submitted that the matter relates to heinous offence in which two victims were set on fire and consequently they died and the petitioner also took part in the alleged occurrence of the attempt to dispossess the victims from the disputed land and the family members of the victims are still in fear.

Heard both the sides and perused the FIR. Though the instant matter relates to serious allegation but two similarly situated co-accused persons named above are on bail and the case of the petitioner stands on similar footing with them and moreover, the main allegation of setting the victims on fire is against co-accused person namely, Shiv Kumar Jha and as per the above submissions and according to the FIR any specific role of the petitioner in the main alleged crime has not been revealed and petitioner is not stated to be a family member of

the main co-accused person, in the light of these facts, the petitioner deserves to the same privilege which is being enjoyed by co-accused persons namely, Mithilesh Kumar Paswan and Satish Paswan. Accordingly, petitioner's bail prayer stands allowed, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount to the satisfaction of concerned Court in connection with Town P.S. Case No. 39 of 2022.

(Shailendra Singh, J)

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