

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72556 of 2022

Arising Out of PS. Case No.-193 Year-2021 Thana- MAHARAJGANJ District- Siwan

Mankeshwar Mahto Son of Late Badshah Mahto @ Badshah Prasad R/O Vill
And P.O.- Balia, P.S.- Maharajganj, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Chandra Shekhar Singh, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

2. Petitioner seeks regular bail in connection with Maharajganj
P.S. Case No. 193 of 2021 dated 31.07.2021 registered for the
offences punishable under Sections 341, 323, 326, 304(B), 302
and 34 of IPC.

3. The main submissions advanced by learned counsel for
petitioner are that the FIR itself shows that the petitioner himself
tried to save the victim who happened to be the wife of this
petitioner when she put herself on fire, though the petitioner is
named in the FIR and according to allegation he played an active
role in the first part of the FIR but later on in the second part of the
FIR the statement of the victim is completely vague with regard to
the person who lit fire after pouring the kerosene oil upon her and

admittedly the petitioner sustained burn injury while saving the victim. Further submission is that the petitioner has been languishing in jail since 27.09.2021 and co-accused Asha Devi, carrying almost similar nature of allegation, has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 62927 of 2021.

4. Learned APP for the State has opposed the bail prayer of the petitioner.

5. Heard both the sides and perused the FIR and the order impugned. The petitioner's wife is stated to be the victim of the present case and she recorded her fardbyan at Sadar Hospital, Siwan and according to the allegations made by her the petitioner poured kerosene oil upon her body and thereafter either this petitioner or co-accused Asha Devi lit the fire on the body of the victim though it is not clear from the FIR as to who among the accused persons set the victim on fire but it is quite clear that the petitioner poured kerosene oil upon the body of the victim and the said allegation is very serious in nature, in my opinion, the petitioner's case does not stand on similar footing with the co-accused Asha Devi who is on bail, hence I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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