

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84306 of 2023

Arising Out of PS. Case No.-14 Year-2016 Thana- DARBHANGA District- Darbhanga

1. Mukesh Kumar Prasad Son Of Raj Kumar Prasad
2. Chhotu Kumar Prasad Son Of Raj Kumar Prasad
3. Rajkumar Prasad Son Of Bri Sah @ Sri Sah
4. Rajendra Prasad @ Mahendra Prasad Son Of Bri Sah @ Sri Sah
All resident of Village/Mohalla- Hassan Chak, P.S.- Town, Dist.- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-03-2024 Heard learned counsel appearing on behalf of the
petitioners and the learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with
Town P.S.Case No.14 of 2016 registered for the offences
punishable under Sections 323, 341, 325 and 307/34 of the
Indian Penal Code.

3. As per the allegation made in the FIR, all the
accused persons by sprinkling kerosene on the body of the
victim, Sanjay Kumar, had set him on fire, due to which the
victim was seriously burnt. Specific allegation against the
petitioner no.1 is of sprinkling kerosene, petitioner nos. 2 and 3
had allegedly caught and overpowered the victim and the



petitioner no.4 had put him on fire by lighting match box, causing serious burn injury to the victim.

4. Learned counsel appearing on behalf of the petitioner submitted that so far as petitioner nos.2 and 3 are concerned, general and omnibus allegation has been levelled against them that they had overpowered the victim, while the allegation against petitioner no.1 is of sprinkling kerosene on the body of the victim and the petitioner no.4 had allegedly set him on fire by lighting a match box. Learned counsel confines that so far as petitioner nos.2 and 3 are concerned, they are innocent and the allegation as alleged in the FIR is not substantiated by any evidence. In fact the victim caught hold of fire by accidentally. So far as petitioner nos. 1 and 4 are concerned, the allegation of sprinkling kerosene and putting the victim on fire can not be sustained.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Having considered the rival submissions made on behalf of the parties, as well as, considering the nature of allegation made in the FIR, I am not inclined to enlarge the petitioners on pre-arrest bail, however, if the petitioners surrender before the court below within a period of three weeks



from the date of this order and seeks regular bail by filing a regular bail application, the court below is directed to decide the same on the basis of the materials against the petitioners on the same day of filing of the bail application.

7. In case of non-compliance of the order, this order shall automatically lose its force and the petitioners must be arrested.

8. In the meantime, no coercive action shall be taken against the petitioners in connection with Town P.S.Case No.14 of 2016 pending before the court of the learned ACJM-III, Darbhanga.

(Purnendu Singh, J)

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