

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38879 of 2016

Arising Out of PS.Case No. -217 Year- 2016 Thana -GARKHA District- SARAN

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Shailesh Prasad @ Shailesh Kumar, son of Late Nagendra Prasad, resident
of Village- Asaiyan, P.S.- Marhowra, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 06-10-2016 Heard learned counsel for the petitioner and the learned A.P.P.
for the State.

The petitioner apprehends his arrest in connection with
Garkha P.S. Case No.217 of 2016 registered under Section 304 of the
Indian Penal Code.

The allegation of the informant, Nagendra Rai, is that his son,
Uttam Kumar, was employed by the contractor Ajay Kumar Singh of
Electricity Department. On 03.07.2016 at about 12.35 P.M., his son was
at pole at Garkha, for repairing the fault of electric supply after shutting
down of the electric supply. In the meantime, his son sustained electric
shock and fell down on the ground and he died in course of treatment
on 24.07.2016. Further case is that the petitioner was on duty for
shutting down the electric supply to repair the fault at the electric pole

but he recalled the shut down of electric supply without any information to his son.

Learned counsel for the petitioner submits that, admittedly, the petitioner is an employee in the Electricity Department, and he was posted at Garkha Feeder. On the instruction of the son of the informant, the electric supply was shut down for repairing the fault at pole at 11.15 A.M. and at 12.30 P.M. on the instruction of the son of the informant, the shutting down of electric supply was recalled. As such, the petitioner was not at fault in sustaining the electric shock by the son of the informant.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-V, Saran, Chapra, in connection with Garkha P.S. Case No.217 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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