

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1989 of 2017

Arising Out of PS.Case No. -26 Year- 2016 Thana -SANJHAULI District- SASARAM (ROHTAS)

- =====
1. Ravi Kumar, son of Late Nirmal Singh, Resident of Village - Salempur, P.S. - Nokha, District - Rohtas.
 2. Mukesh Kumar son of Dadan Sharma, Resident of Village - Tendua, P.S. - Nokha, District - Rohtas.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Surendra Kumar Mishra, Advocate

For the Opposite Party : Mr. Upendra Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-02-2017 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in connection with Sanjhauli P.S. Case No. 26 of 2016, registered for the offence punishable under Section 304/34 of the Indian Penal Code.

Allegedly, the petitioners instigated Arbind Kumar to pull electric wire, after riding on the electric pole and due to electric current flowing Arbind Kumar fell down from the pole and thereafter doctor declared him dead.

Submission is of false implication and that the petitioners were not present at that time, only electrician Tinku Kumar was present and he with a view to save his skin has



implicated the petitioners by giving false statement which is not supported by independent witnesses, vide para 11, 12, and 13 of the case diary, as a matter of fact, Arbind fell down from the pole due to sun stroke and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes by submitting that postmortem report also supports the allegation and, as such, the petitioners do not deserve pre-arrest bail.

In the facts and circumstances as stated above, considering the postmortem report, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with Sanjhauli P.S. Case No. 26 of 2016, pending in the Court of learned Sub-Judge 1st -cum- A.C.J.M., Bikramganj, District- Rohtas.

(Jitendra Mohan Sharma, J.)

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