

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12113 of 2017

Arising Out of PS.Case No. -245 Year- 2016 Thana -CHANDAUTI District- GAYA

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1. Sundar Yadav Son of Late Pun Yadav, Resident of Village- Kandi Nawadh, P.S.- Chandauti, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Electricity Board through its Secretary, Vidyut Bhawan, Bailey Road, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. T. Saffudin

For the Opposite Party/s : Mr. Ajit Kumar

For Bihar State Elec. Board : Mr. Shrikant Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 23-03-2017 The petitioner is apprehending his arrest in connection with Chandauti P.S. Case No. 245 of 2016, registered for offences punishable under Sections 304, 201 and 379 Indian Penal Code and Section 4/40 of Bihar Mines and Mineral Act 1972.

It has been submitted on behalf of the petitioner that no case under Section 304 Indian Penal Code is made out against the petitioner and at best only Section 304A can be made out as allegation is completely false and baseless which appear from the fact that there was a naked live wire in the field of petitioner and the deceased came in the contact of the said wire and got electric shock due to which he died and if the petitioner would have any role to play in his death, he must have removed the dead body



from his field, which has not been done by the petitioner and the petitioner has been implicated in this case without any enquiry.

Learned counsel for the State opposed the prayer for bail and submitted that petitioner was in habit to leave the naked wire with current passing on it only to protect his chilly field and the deceased after coming in contact with the said wire lost his life due to electric shock.

Having heard both sides, in view of the facts and circumstances of the case, this is not a fit case for grant of anticipatory bail, it is accordingly rejected.

However, the petitioner may surrender and seek regular bail and if any such application is filed, the court below after considering the submission of learned counsel for the petitioner and also the materials available on record, shall pass an appropriate order, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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