

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12558 of 2016

Arising Out of PS.Case No. -87 Year- 2014 Thana -BENA District- NALANDA (BIHARSHARIFF)

Satendra Prasad S/o Late Ram Lakhan Mahto Resident of village - Bara,
P.S. Ben, Disttrict - Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Shankar Sharma, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-02-2017 Heard learned counsel for the petitioner and the State.

The petitioner has renewed the prayer for bail in connection with Ben P.S. Case No.87/2014, registered under section 304/34 of the Indian Penal Code, on the ground that earlier bail application was rejected with observation at present and similarly situated co-accused, namely, Lal Babu, whose bail was rejected along with the petitioner by a common order, has now granted bail vide Criminal Miscellaneous No.35618 of 2015.

The prosecution case is that the informant's daughter Renu Devi went to the field for cutting grass but she did not return. Subsequently, the dead body of the daughter of the informant was recovered from the paddy field of one Ashok Paswan when it was found that the daughter of the informant was electrocuted. It is alleged that the petitioner and others took the naked electric wire to their land for irrigation purposes through the



land of Ashok Paswan as a result the daughter of the informant got electrocuted in the field of Ashok Paswan.

It is submitted by learned counsel for the petitioner that even assuming the accusation at best a case under section 304A of the Indian Penal Code is made out. There is nothing on record to suggest that the naked electric wire was actually taken through the paddy field of Ashok Paswan by the petitioner. The petitioner is languishing in custody since 02.02.2015. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent. Earlier prayer for bail of the petitioner was rejected with observation 'for the present' and similarly situated co-accused has been granted bail.

Considering the nature of accusation, statement made in paragraph 3 of the petition that the petitioner has no criminal antecedent and similarly situated person has been granted bail, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Nalanda, in connection with Ben P.S. Case No.87/2014

(Dinesh Kumar Singh, J)

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