

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56710 of 2017

Arising Out of PS.Case No. -136 Year- 2017 Thana -CHANDAN District- BANKA

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Gopal Modi, Son of late Bhola Modi, Resident of Village-Supaha, P.S.
Katoria, District-Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jogendra Kumar

For the Opposite Party/s : Mr. Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-01-2018 Heard the learned counsel for the petitioner and the learned
counsel for the State.

The petitioner seeks anticipatory bail in connection with
Chandan PS Case no. 136 of 2017 registered for the offences
punishable under Sections 304, 201 of the Indian Penal Code.

The case of the prosecution is that when the electric pole was
being installed and the husband of the informant was working as a
labourer, he came in contact with the live electricity wire and got
electrocuted and died thereafter. It has been alleged that the
petitioner is a contractor and he was responsible for taking
shutdown.

The learned counsel for the petitioner submits that at best the
present case can be a case of negligence, however, it is not a case



under Section 304 of the Indian Penal code. It is further submitted that the deceased has been electrocuted on account of coming in contact with live electricity wire. However, the petitioner had not premeditated regarding such electrocution and had no role to play in the said electrocution. It is further submitted that the petitioner has a clean antecedent.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender within six weeks before the concerned court, the petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Banka in connection with Chandan (Anandpur) PS case no. 136 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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