

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59699 of 2018

Arising Out of PS. Case No.-42 Year-2018 Thana- KHARIK District- Bhagalpur

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Daya Shankar Ram, S/o Late Ram Nihora Ram, R/o Vill.- Derwan, P.S.-
Kudra, District- Kaimur, At present posted Junior Electric Engineer, Electric
Supply Division- Naugachia, Section-Kharik, Police Station- Kharik, District-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Panchanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-09-2018 Heard learned counsels for the petitioner and learned
APP for the State.

The petitioner being a Junior Electric Engineer, Electric
Supply Division- Naugachia, is apprehending arrest in a case
registered for the offences punishable under Sections 304/34 of
the IPC.

The prosecution case, as per the written report of Rupesh
Sah, submitted to the S.H.O., Kharik Police Station is to the
effect that on 11.03.2018, at about 9:30 AM, the father of the
informant, Bhagwan Sah @ Boku Sah went to bring grass and



while returning, taking bundle of grass on his head, came in contact with 11,000 Volts electric wire which was lying low i.e, about six feet from the ground level, due to which he got electrocuted. Though for fixing of the said wire, several complaints were made before the Electric Department.

It is submitted by the learned counsel for the petitioner that even assuming the accusation to be true, at best a case under Section 304 A of the I.P.C. is made out against the petitioner and the petitioner cannot be held solely responsible for the wire being in a loose condition. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation is specific against the petitioner.

Considering the nature of accusation and the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **A.C.J.M.-I, Naughachiya**, in



connection with **Kharik P.S. Case No.42 of 2018**, subject to the
condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/Deepak/-

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