

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50509 of 2018

Arising Out of PS.Case No. -137 Year- 2017 Thana -LODIPUR District- BHAGALPUR

Pravin Kumar @ Prabin Kumar S/o Shaligram Pandit, R/o Vill.- Samukhia,
P.S.- Banka, District- Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Shiwesh Chandra Mishra, Advocate.

For the Opposite Party : Mr. Binod Kumar 3, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-09-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 302 and 120(B)/34 of the
IPC.

The prosecution story, in brief, is that while
Moharram Procession was passing through *Agarpur Village*
towards *Suraj Mahal Pahlam* and reached bear *Choudhary Tola*
More, all of sudden, 11000 Wire broke and fell on few members
of the said procession, on account of which, two persons as named
in the written report died on the spot due to electric current.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present



case. The petitioner was posted at Bhagalpur as a Supervisor in the Power Grid Corporation. On the alleged date of occurrence, High Tension Wire of electricity supply had fallen on the road which hit to death of two persons and caused injury to others. It cannot be a case of 302 of IPC rather it can be a case of 304(A) of the IPC. Other co-accused has been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 12355 of 2018 order dated 28.02.2018. .

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Bhagalpur, in connection with Lodipur P.S. Case No. 137 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

