

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57088 of 2017

Arising Out of PS.Case No. -99 Year- 2017 Thana -PARIHAR District- SITAMARHI

=====

Ram Kumar Sharma Son of late Mauze Thakur Resident of Village-
Sahargama, P.S. Parihar, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar

For the Opposite Party/s : Mr. Chaubey Jawahar

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-01-2018 Heard the learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks anticipatory bail in connection with
Parihar PS case no. 99 of 2017 dated 13.06.2017 registered for the
offences punishable under Section 304 of the Indian Penal Code.

As per written report of the informant, the brother of the
informant was working in North Bihar Power Distribution
Company and was connecting fuse of 11000 volts in the
transformer after taking shutdown from the operator of Sirsiya
Power Sub-station whereupon suddenly the switch Board operator
is said to have switched on the power of the Sub-Station, resulting
in power flowing on the said line on which the deceased was
working, resulting in his electrocution and subsequent death.

The learned counsel for the petitioner submits that though



the F.I.R. has been filed under Section 304 of the Indian Penal Code, a perusal of the case diary would show that the police has found the case to be true against the petitioner under Section 304(A) of the Indian Penal code. It is further submitted that at best the present case is a case of gross negligence, but there is no case of homicide or murder. The learned counsel for the petitioner further submits that the petitioner is working in North Bihar Power Distribution Company as a Switch Board Operator and there is no likelihood of him fleeing away either from investigation or from trial. It is further submitted that the petitioner has a clean antecedent and during the course of investigation, no enmity has been found in between the petitioner and the deceased person.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender within six weeks, 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 A.C.J.M.- VI, Sitamarhi in connection with Parihar PS case no. 99 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

BTiwary/-

U		T	
---	--	---	--

