

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3525 of 2017

Arising Out of PS.Case No. -285 Year- 2017 Thana -FALKAHA District- KATI HAR

- =====
1. Jyoti Yadav @ Jyotish Yadav, Son of Loko Yadav @ Lako Yadav,
Resident of Village - Chakla Maula Nagar, Police Station - Falka,
District - Katihar.
 2. Kailash Yadav, Son of Surya Narayan Yadav, Resident of Village -
Sameli, Vishnichak Chandpur, Police Station - Falka, District - Katihar.
- Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 12-02-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T.), Katihar in Falka P.S. Case No. 285 of 2017 registered under Sections 302/34 of the Indian Penal Code as well as Section 3(2)(v) of the SC/ST Act.

The husband of the informant was mending electric connection on the mobile tower of Air Cell Company. The appellants, allegedly, left open some wire which fall on the high voltage wire as a result whereof the husband of the informant died of electrocution.



Submission of the learned counsel for the appellants is that this is not a case of intentional killing or killing with having knowledge. Rather, this is a case of accidental death and there is no material to substantiate allegation of negligence on the part of the appellants which caused the death.

Considering the aforesaid material, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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