

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33576 of 2018

Arising Out of PS.Case No. -588 Year- 2017 Thana -KADAMKUAN District- PATNA

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1. Mahesh Raj Sharma @ Mahesh Sharma S/o Late Pandit Dhanraj Sharma,
R/o Arya Kumar Road, Machhuatoli, P.S.- Kadamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. South Bihar Power Distribution Company Ltd. through Sri Sunil Kumar Singh, Asstt. Electrical Engineer, Electric Supply Sub-Division ,
Machhuatili, PESU, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjana

For the Opposite Party/s : Mr. Sri Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 03-08-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Kadamkuan P.S.Case no.588 of 2017 , registered for offences punishable under Sections 304, 427 & 338 of the Indian Penal Code.

Allegation against the petitioner is that he was constructing house and while laying foundation, the wall of the informant fell down causing death of one of the labours of the petitioner..

Submission of the learned counsel for the petitioner is that the petitioner was not present there and the work was done by the Contractor and as a matter of fact due to vibration of the burst transformer the wall fell down causing death for the deceased. Moreover no case is made out under Section 304 of the IPC rather



a case is made out under Section 304(A) of the IPC.

Heard learned A.P.P. and the learned counsel for the South Bihar Power Distribution Company Ltd.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-VII, Patna in connection with Kadamkuan P.S.Case no.588 of 2017, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

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