

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22261 of 2019

Arising Out of PS. Case No.-202 Year-2016 Thana- GANDHIMAIDAN District- Patna

1. Fultus @ Fantus Kumar @ Funtus Kumar, aged about 33 years, Male, S/o Late Baldeo Paswan, R/o Mohalla- Naya Gaon, Bhoslepur, P.S.- Pirbahore, District- Patna
2. Dharmendra Paswan @ Dharmendra Kumar, aged about 29 years, Male, S/o Late Doman Paswan, R/o Mohalla- Naya Gaon, Bhoslepur, P.S.- Pirbahore, District- Patna
3. Vishwakarma Paswan @ Vishkarma Paswan @ Vishwakarma Kumar, aged about 28 years, Male, S/o Late Dinesh Paswan, R/o Mohalla- Naya Gaon, Bhoslepur, P.S.- Pirbahore, District- Patna
4. Bali Paswan @ Balli Kumar, aged about 32 years, Male, S/o Late Dore Paswan R/o Mohalla- Naya Gaon, Bhoslepur, P.S.- Pirbahore, District- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Arvind Kumar Mouar, Advocate
For the Opposite Party	:	Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 01-08-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Gandhi Maidan P. S. Case No. 202 of 2016 registered for the
offences punishable under Sections 302, 120(B) of the Indian
Penal Code.

The allegation against the petitioners, as per the F.I.R.,
is that on 06.06.2016, one of the petitioners, namely, Fultus @
Fantus Kumar @ Funtus Kumar, who is a contractor, came to
the informant's house and took her son along with him saying



that there was some work in a community hall near fire brigade. After some time, one Bali Paswan at about 4 o'clock informed the informant that her son was ill and he was admitted in P.M.C.H. When the informant arrived at P.M.C.H., she found her son dead and there was abrasion on the leg and neck of her son. The informant has named all the petitioners in the killing of her son.

Learned counsel, appearing on behalf of the petitioners, submits that petitioners have falsely been implicated in this case with oblique motive. He, further, submits that the son of the informant used to work as a labourer under Funtus, who is a contractor, along with other co-accused persons. He, further, submits that on the date of occurrence, the son of the informant fell down while working and came in touch to a nude electric wire and got electrocuted due to which he died in the hospital. Learned counsel for the petitioners further submits that in the entire investigation no material has come against the petitioners and the postmortem report of the deceased supports that the death of the deceased has been caused due to electrocution.

On the other hand, learned counsel appearing for the State submits that the witnesses have said that on working place,



the deceased was found fallen on the ground and he came in contact with nude electric wire due to which, he got electrocuted.

After having heard learned counsel for the petitioners and learned counsel appearing on behalf of the State as well as taking into consideration the fact that the cause of the death of the deceased is electric shock and he was not assaulted by the petitioners, accordingly, I am inclined to grant anticipatory bail to the petitioners.

Let, the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XVII, Patna in connection with Gandhi Maidan P. S. Case No. 202 of 2016 subject to the conditions as laid down under Section 438(2) of Cr. P. C.

(Anil Kumar Sinha, J)

Rajeev Kumar/-

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