

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83303 of 2019

Arising Out of PS. Case No.-353 Year-2019 Thana- SAHARSA District- Saharsa

Manoranjan Kumar Singh @ Manoranjan Singh Son of Late Mole Prasad
Singh Resident of Village-Patori, Police Station-Bihra, District-Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-12-2019 Heard learned Counsel for the petitioner and the
learned APP for the State.

Petitioner apprehends arrest in Saharsa Sadar PS
Case No. 353 of 2019 registered under Section 304 of the IPC.

The prosecution case in brief is that the brother of
informant Vijay Kumar used to work as human resource in the
electricity department, Saharsa; that on 14.4.2019 at about 17.30
p.m. he was working along with Md. Ashfaque, a helper on the
transformer; that at about 5.35 p.m. one Manoranjan Singh
(petitioner), an employee of Naya Bazar Power Grid restored
power supply due to which Vijay Kumar sustained electricity
current shock due to which he fell down and burnt; that Md.
Ashfaque also sustained buirn injury; that with the help of Md.
Ashfaque and others, brother of informant brought injured to



hospital, but Vijay Kumar aged about 35 died at 9.30 p.m.

Learned Counsel for the petitioner has submitted that petitioner was not working in the power grid station at the relevant time. It has been further submitted that even as per FIR allegation is of negligence. It has been further submitted that the alleged offence is not applicable against the petitioner and at best it can be said that it is a case of Section 304A IPC and not 304 IPC and offence under Section 304A IPC is bailable in nature. Therefore petitioner may be allowed the benefit of anticipatory bail.

The learned P.P. has vehemently opposed the prayer of bail and stated that it will not be proper to assess the applicability of Section 304 and 304A of IPC by this Court while hearing of anticipatory bail application as it will prejudice the prosecution case. It has been further argued that accused has put the electricity current on while the deceased was working on the transformer as human resources. Therefore the said offence is made out against the petitioner. Therefore petitioner do not deserve anticipatory bail.

Considering the aforesaid submissions as also the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed.



In the event of arrest or surrender before the court below within four weeks from today, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Saharsa in Saharsa Sadar PS Case No. 353 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also subject to the following conditions:-

(I) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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