

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12814 of 2020

Arising Out of PS. Case No.-87 Year-2019 Thana- DHANKUND District- Banka

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MUNNA YADAV, Son of Dukhan Yadav @ Dukhan Yadav, Resident of
Village-Dhankund, Police Station-Dhankund, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar,

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 03-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has renewed the prayer for bail in a
case registered for the offence punishable under Sections 304/34
of the Indian Penal Code.

The prosecution case as per the written report



Mukesh Yadav submitted before the Station House Officer, Dhankund Police Station is to the effect that on 24.07.2019 at 12.00 P.M., the son of the informant, Kaushal Kumar @ Pujari was going to his agricultural field, but on the way, he got electrocuted since the naked electric wire was being utilized by co-accused, Tuntun Yadav and Munna Yadav, the petitioner for running their submersible pump set. On protest being made, the informant was being abused by them. Subsequently, the son of the informant died.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, the case at best comes under the purview of Section 304 A of the Indian Penal Code. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. The petitioner is languishing in custody since 06.12.2019 and the investigation has already been concluded. Moreover, no conclusive evidence has been collected that the naked wire was being allowed to hang in such a low height that the son of the informant got electrocuted.

Learned APP for the State submits that due to naked wire being taken by the petitioner and other co-accused for their use, the son of the informant got electrocuted and died.



Considering the nature of accusation, the fact that the investigation already being concluded and statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned CJM, Banka, in connection with Dhankund P.S. Case No. 87 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned CJM, Banka, in connection with Dhankund P.S. Case No. 87 of 2019

The learned Court below is at liberty to further extend



the period of provisional bail if the lock down is not over in next
three months.

(Dinesh Kumar Singh, J)

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