

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15556 of 2020

Arising Out of PS. Case No.-80 Year-2019 Thana- BELSAND District- Sitamarhi

Raja Lal Rai (M) aged about 37 years son of Ram Surat Rai, resident of Village -
Pachnaur, P.S.- Belsand, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the State : Mr . Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 10-07-2020

The matter has been heard *via* video conferencing
due to circumstances prevailing on account of the COVID-19
pandemic.

2. Heard Mr. Pushpendra Kumar Singh, learned
counsel for the petitioner and Mr. Navin Kumar Pandey, learned
Additional Public Prosecutor (hereinafter referred to as the
'APP') for the State.

3. The petitioner is in custody in connection with
Belsand PS Case No. 80 of 2019 dated 23.05.2019, instituted
under Sections 302/307/34 of the Indian Penal Code.

4. The allegation against the petitioner and his two
brothers is of throwing the deceased due to which it is said that
he fell on the electric wire and died and another brother also
sustained injuries due to coming in contact with live wire.



5. Learned counsel for the petitioner submitted the three accused, including the petitioner, were getting their house constructed and the deceased was working as a labourer, and after casting of the roof, the deceased had gone to check with regard to some electric connection and had come in contact with live wire due to which he died and his brother, while trying to save him got hurt and there was burn injury on him also, but he survived. Learned counsel submitted that the story of the deceased that his brother being pushed from the roof is totally concocted with ulterior motive and there was no dispute with regard to wages. It was submitted that all the labourers who were eye-witness to the incident have stated that the deceased and his brother had themselves gone to check the electric connection and there was no such incident of the petitioner and the other two accused throwing them from the roof. It was submitted that the petitioner is having no criminal antecedent and is in custody since 03.01.2020.

6. Learned APP, from the case diary, submitted that the petitioner and his two brothers are accused of throwing the deceased and his brother from the roof top. However, he did not controvert the fact that the other labourers who were eye-witnesses to the incident have stated that the deceased and his



brother had themselves gone for checking the electric connection and due to accident, one person was killed while the other sustained only burn injury.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, I, Sitamarhi, in Belsand P.S. Case No. 80/2019, subject to the conditions that one of the bailors shall be a close relative of the petitioner and that the petitioner shall cooperate in the case. Failure to cooperate shall lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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