

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15436 of 2020

Arising Out of PS. Case No.-602 Year-2019 Thana- MAHUA District- Vaishali

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PAPPU SINGH @ PAPPU KUMAR Son of Shankar Singh Resident of
Village - Vyashchak, P.S.- Goraul, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Anish Kumar
For the State	:	Mr.Rajendra Nath Jha
For the Informant	:	Mr. Rajeev Ranjan

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

8 05-12-2020 Heard the learned counsel for the petitioner, the
learned APP and the learned counsel for the informant.

The petitioner apprehends his arrest in Mahua P.S.
case No. 602/2019 registered under Section 304 of the IPC.

The mother of the deceased alleged that petitioner
went to his house and asked her son, Babloo Kumar, the
deceased, to accompany him for the work. The petitioner is a
contractor. When her son demanded arrears of wages, the
petitioner is said to have replied that after work he would also
be paid arrears of wages. It is further alleged that petitioner
forcibly persuaded the son of informant to climb on the electric
pole for repairing and during such son of the informant got
electrocution and died.

The learned counsel for the petitioner submits that
petitioner is a registered contractor and he is engaged in repair
work of the electric wires in rural areas. The deceased was
engaged in working in the repair work and it is purely an
accident in which the deceased got electrocution and died. The



petitioner did not commit any rash and negligent act causing the death of the deceased. It was a mere accident in which son of the informant died on account of electrocution, while doing the work of repair. It is further submitted that the Deputy Commissioner, Labour, on account of death of son of the informant in an accident awarded Rs. Nine lakhs compensation and directed the petitioner to pay compensation. The matter is under process and amount of compensation is likely to be paid to the mother of the deceased, hence, the petitioner deserves anticipatory bail.

The learned APP as well as the learned counsel for the informant opposed the prayer for anticipatory bail and submit that no amount of compensation is paid to the informant. The son of the informant died on account of rash and negligent acts of the petitioner. If the petitioner had not forced her son to climb on the electric pole her son would not have died due to electrocution.

It appears from the records that mother of the deceased made allegation that petitioner forced her son to climb on the electric pole for repairing but it appears that petitioner is a registered contractor and he is engaged in doing the repair work. The deceased was a worker and he was working in repair work of electric supply in rural areas. It is a sheer accident in which the deceased got electrocution and died. There is nothing on record to show any act of negligence on the part of the petitioner which resulted in death of son of the informant.

Considering the facts aforesaid and nature of allegation made against the petitioner, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/



production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. case No. 602/ 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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