

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34033 of 2020

Arising Out of PS. Case No.-192 Year-2020 Thana- KATEYA District- Gopalganj

Suresh Yadav son of Vriksha Yadav @Briksha Yadav Resident of village-Durga Chak, P.O.- Chhitauna, P.S.-Kateya, District-Gopalganj.

... .. Petitioner

Versus

STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashish Giri, Advocate

For the Opposite Party : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-12-2020 Heard Mr. Ashish Giri, learned counsel appearing on behalf of the petitioner and Mr. Narendra Kumar Singh, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of Kateya P.S. Case No.192 of 2020, registered for the offence punishable under Section 304/34 of the Indian Penal Code.

It is alleged that the accused persons had fenced their paddy seeds with barbed wire and, allegedly, they had arranged for passing of electric current through the wire so as to protect the paddy seeds. Informant's younger brother is said to have been electrocuted as he came in contact with the said wire leading to his death.

Learned counsel for the petitioner has submitted that it has come in course of investigation that the field, in which the electrocution had taken place, belongs to one Brajdeo Yadav.



He has further submitted that no offence under Section 304 of the Indian Penal Code can be said to be made out in the absence of *mens rea*.

Considering the circumstances, in which the occurrence is said to have taken place, and the submissions advanced on behalf of the petitioner, as noted above, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gopalganj, in Kateya P.S. Case No.192 of 2020.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which



shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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