

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69071 of 2019

Arising Out of PS. Case No.-47 Year-2019 Thana- DHANGAI District- Bhojpur

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Pappu Rai @ Pappu Kumar Rai, Son of Vijay Rai @ Vijay Kumar, Resident
of Village - Jamuaon, P.S.- Piro, Distt - Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Dhangai P.S. Case No.47 of 2019 registered for the offence
punishable under Section 304 of the Indian Penal Code.

It is contended that from the allegations made in
the first information report itself, it would appear that it is not a
case of culpable homicide not amounting to murder. At best, the
offence alleged would attract ingredients of Section 304A of the
Indian Penal Code. It is further contended that though it is
alleged that the field of the petitioner being watched by the
deceased was bounded by live naked wire as a result of which,
the deceased was electrocuted, when the police inspected the
place of occurrence, no seizure of wire was made. There is no



finding of the Investigating Officer that there was any live naked wire. It is further contended that the petitioner is having clean antecedent and having got roots in the society, he is not likely to abscond or tamper with the evidence.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner. He has contended that the death of the deceased was caused due to negligence of the petitioner. The deceased was watchman working in his field since last six months and his death was due to electrocution.

Regard being had to the submissions advanced at the Bar, in the event of arrest or surrender in the court below, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- 1st, Bhojpur at Ara in connection with Dhangai P.S. Case No.47 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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