

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12219 of 2021

Arising Out of PS. Case No.-221 Year-2020 Thana- SANGRAMPUR District- East
Champaran

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MANOJ THAKUR Son of Shambhu Thakur Resident of Village -
Sangrampur, P.S.- Sangrampur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-12-2021 Heard Mr. Rajesh Kumar, learned Advocate for
the petitioner and Mr. Ram Priya Sharan Singh, learned
APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Sangrampur P.S. Case No. 221
of 2020 dated 06.09.2020 instituted for the offences
under Section 304 of the Indian Penal Code.

The petitioner is a Guard working under a
Junior Engineer of a Power Station. On the asking of the
aforesaid Junior Engineer, the petitioner along with the
son of the informant proceeded for taking photograph of
a transformer which was submerged under flood water.
On the assurance of the petitioner that there is no
electric line crossing through the transformer, the son of
the informant climbed on top of the transformer to take



photograph and to correct the wiring position. In the meantime, with the electric connection being restored, the son of the informant became seriously injured. During the course of treatment, he died.

Hence, this case.

Learned counsel for the petitioner has submitted that the petitioner also ran the risk of being electrocuted as he along with the deceased had gone to the concerned transformer on the direction and asking of the Junior Engineer of Sub-Power Station. That the electricity department was not careful and that it was unfortunate that the son of the informant got electrocuted; but for such mishap, the petitioner cannot be held responsible.

The deceased died after 40 days of treatment. In fact, the petitioner did not anticipate that while the deceased was trying to repair the transformer, electric line would be restored.

There does not appear to be any intention on the part of the petitioner for causing any harm to the deceased. The petitioner cannot also be saddled with the allegation of being negligent. The petitioner had all along been accompanying the victim.

Considering these arguments, the petitioner is directed to be released on bail, in the event of his arrest



or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sadar at Motihari, East Champaran in connection with Sangrampur P.S. Case No. 221 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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