

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.241 of 2021**

Arising Out of PS. Case No.-23 Year-2020 Thana- ALIPUR District- Gaya

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Braj Bhushan Singh S/o Late Ram Gulam Singh R/o village- Rupaspur, P.S.-
Alipur, District- Gaya

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr.Prithivi Raj Singh, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 02-03-2021 Learned counsel for the appellant undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

Appellant, in the present case, is seeking regular bail
in connection with Alipur P.S Case No. 23/2020 registered for
the offences punishable under Section 304 and 34 of the Indian
Penal Code and 135 of the Electricity Act and 3(2)(v)(a) of
SC/ST (Prevention of Atrocities) Act.

As per the prosecution story, while the informant and
his brother were going to village Murhara, P.S. - Alipur, District
– Gaya, the brother of the informant had gone to meet the
natural call and when after twenty minutes he did not return
from that place the informant went in search of his brother and



saw there that his brother was died due to electric current in the field. The informant raised alarm, thereafter, some villagers came there and the villagers stated that the field is belonging to the appellant.

Learned counsel for the appellant submits that the appellant has not committed any offence and police has not recovered any electric wire from the spot and at the time of the alleged incident the appellant was not present there. The appellant has been falsely implicated in this case, however, he is in custody since 01.07.2020 having no criminal antecedent.

Learned Special Public Prosecutor for the State has opposed the prayer for bail of the appellant.

Considering the facts and circumstances and the materials available on the record showing that the brother of the informant died due to electric shock when he had gone to the field belonging to the appellant and the co-accused, the submission being that the appellant has not committed any offence and the police has not recovered any electric wire from the spot and at the time of the alleged incident the appellant was not there, the appellant has remained in custody since 01.07.2020, the investigation against him is complete and it is not the submission of the State that the release of the appellant



at this stage in any way is likely to result in tampering with the evidence or interfering with the course of trial, let the impugned order be set-aside and the appellant above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, S.C. & S.T. Act, Gaya, in connection with Alipur P.S. Case No. 23 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

