

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40225 of 2020

Arising Out of PS. Case No.-247 Year-2020 Thana- DALSINGHSARAI District- Samastipur

SANTOSH KUMAR @ SANTOSH MAHTO Son of Bihari Mahto Resident
of Village- Rachiyahi Yamuna Tar, P.S.- Bachhwara, Distt- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Counsel for the petitioner is directed to remove the
defect(s), as pointed out by the office, within a period of four
weeks from the date of restoration of normalcy.

The petitioner is apprehending his arrest in connection
with Dalsingsarai P.S. case No.247/2020 registered under
Sections 285, 304(A), 304 of the Indian Penal Code.

Prosecution case, in short, is that the petitioner
took electric wire with the main supply line and connected with
the fencing wire around his brinjal field. The brother of the
informant died due to electrocution in grip of fencing wire.

It has been submitted on behalf of the petitioner that



the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in this case. The petitioner has been made accused due to mistake of fact. The death of the deceased is said to have taken place due to electrocution as he contacted with the naked wire. As per the allegation, the wire was installed by the petitioner. At best, it is a case for offence under Section 304A of I.P.C. The act on the part of the petitioner can only be said to be rash and negligent.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned A.C.J.M.-I, Dalsingsarai, District Samastipur in connection with Dalsingsarai P.S. case No.247/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight



weeks to the satisfaction of the court concerned in connection
with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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