

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5624 of 2021**

Arising Out of PS. Case No.-303 Year-2020 Thana- GRIYAK District- Nalanda

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ARJUN MAHTO Son of Late Kishun Mahto Resident of Village- Bhaidi,
P.S.- Katrisarai, Distt- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mr. Udbhav, Advocate
For the Opposite Party/s	:	Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 29-07-2021 Learned counsel for the petitioner 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 petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Giriyak (Katrisarai) P.S. Case No. 303 of 2020 registered for the offences punishable under Sections 304/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story the son of the informant aged about 20 years left his house on 22.08.2020 around 6.00 pm but did not return home till 8.00 pm, thereafter his family members tried to

search him outside but no trace was found. On 23.08.2020 when the villagers went to their field at around 6 in the morning, they found that a man is lying in the field of Late Harishchandra Mahto situated at distance of 200 gaj west from the field of Arjun Mahto. The dead body of the man was identified as that of the son of this informant. The informant alleged that Arjun Mahto is doing the batai work of the field of Late Harishchandra Mahto. He had surrounded the said field with live wire using pegs and current were flown through that. On seeing the villagers, Arjun Mahto was trying to unearth the pegs and was rolling wire, he had kept the mobile phone of the deceased with himself which the villagers took from him, they caught hold of him and information was given to the police. The informant claims that the villagers used to ask this petitioner and son not to use the electric wires but they did not listen.

Learned counsel for the petitioner submits that the case has been lodged under Section 304/34 of the Indian Penal Code, there was no intention to kill the son of the informant and the petitioner being an old man aged about seventy years is not engaged in doing the agriculture work by himself rather his sons are cultivating the land. Learned counsel further submits that the so-called pegs and the electric wire were not seized by police

either at the place of occurrence or were handed over by the co-villagers. In paragraph '21' of the petition a plea has been taken without admitting the prosecution allegation that the so-called wire may have been fixed to prevent the damage to crops from animals.

On the other hand, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. It is submitted that the co-villagers have made statements in course of investigation and in several paragraphs of the case diary their statements have been recorded in support of the prosecution case. All of them have stated that this petitioner had been using naked electricity wire and he was caught by the villagers with the mobile of the deceased. Learned A.P.P. submits that even though the case has not been registered under Section 302 of the Indian Penal Code but in the nature of the present case where a twenty years old boy has lost his life because of this act of the petitioner who was fully aware that the use of naked electric wire may cause death to any person who may come in contact with the wire from a distance.

Considering the facts and circumstances of the case wherein this Court has noticed that the twenty year son of the informant has died because of the use of naked electricity wire

in the field by this petitioner and he has been caught by the co-villagers who have alleged that despite request made to him not to use the naked wire the petitioner was using the same, the petitioner is in custody only since 24.08.2020, hence this Court is not inclined to release the petitioner on bail at this stage. Let the trial be expedited.

The learned trial court shall take all endeavours to conclude the trial within a period of nine months from the date of start of normal functioning of the court. If the trial remains unconcluded during this period for no reason attributable to the petitioner, he may renew his prayer for bail.

This application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.