

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47573 of 2021

Arising Out of PS. Case No.-2 Year-2021 Thana- CHIKSAUR District- Nalanda

CHAITU JAMADAR @ CHAITU BIND S/o Late Bhatu Jamadar Resident
of Sadarpur, P.S.- Chiksaura, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niraj Kumar

For the Opposite Party/s : Mr. SATYA NAND SHUKLA

Mr. RAJEEV KUMAR

Mr. GAUTAM SHAH

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

4 08-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Chiksaura P.S. Case No. 02 of 2021 for the offence punishable
under Section 304/34 of the Indian Penal Code.

Allegation against the petitioner is that due to electric
fence installed by the petitioner around his land, a 10 years old
boy who is the son of the informant was electrocuted and



subsequently died. Petitioner has been held for tortious liability.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the petitioner is 80 years old and for the protection of his crop, such measures have been taken by him. He has already undergone custody for more than a year. At best, he is liable for tortious liability and for the same, no civil case has been lodged against him.

Mr. Rajeev Kumar, learned counsel appearing on behalf of the informant submits that petitioner must be held liable for the death of the son of the informant. A case of electricity theft has also been against the petitioner and the matter was taken up before South Bihar Power Distribution Company Limited, but their Executive Engineer has not taken any action nor has registered a case, even for the illegal theft of electricity against the petitioner. The informant has to loose his son aged about 10 years in the said incidence due to the negligence of the aforesaid department. Learned A.P.P. for the State has also opposed the prayer for grant of bail to the petitioner.

Considering the aforesaid allegation against the petitioner and the fact that the petitioner is 80 years old and he is in custody since 12.03.2021, the petitioner, above named, is



directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Hilsa, Nalanda in connection with Chiksaura P.S. Case No. 02 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

Learned counsel for the informant submits that the petitioner is not aged about 80 years rather he is approximately aged about 60 years old.

The court below is directed to verify the age of the petitioner who has declared himself to be aged about 80 years in the cause title of the bail application. If the information given by



the petitioner is found to be incorrect, this order will automatically loose its force.

(Purnendu Singh, J)

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