

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38893 of 2022

Arising Out of PS. Case No.-56 Year-2020 Thana- RAJEPUR District- East Champaran

Akhilesh Singh @ Akhilesh Prasad @ Akhilesh Prasad Singh Son of Ravindra Singh, Resident of Village- Medhua, P.S.- Rajepur, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2022 Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Rajepur P.S. Case No. 56 of 2020 lodged under Section 302 of the Indian Penal Code.

As per the prosecution case, the specific allegation against the petitioner is that he has fenced his agricultural land by iron wire in which current was there. He called the informant's father and when his father went there then he came in contact of an electric shock due to which the death has been caused. It has been alleged by the informant that all such action

has been done with intention.

Learned counsel for the petitioner submits that petitioner is not a criminal and he is a man of clean antecedent. He further submits that the entire thing is basically an unfortunate event and petitioner is in custody since 28.02.2022. He further submits that petitioner is a matured person and there is no apprehension of fleeing away from the trial.

Learned counsel for the State opposes the prayer for bail and submits that as per F.I.R. the entire event has been caused by the petitioner.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that it is the petitioner who has fenced wire, put electricity on the said wire and then intentionally called the informant's father to get electric shock due to which death has been caused.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, East Champaran at Motihari in connection with Rajepur P.S. Case No. 56 of 2020, subject to the conditions as laid down under

Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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