

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48894 of 2021

Arising Out of PS. Case No.-218 Year-2018 Thana- KHAIRA District- Saran

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MUKESH KUMAR SINGH SON OF BIJENDRA SINGH R/O VILLAGE-
KARAH, P.S.- BANIAPUR, DISTRICT- SARAN AT CHAPRA

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar
For the Opposite Party/s : Mr. Ramchandra Singh

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 15-02-2022 Heard both the parties through video conferencing.

The petitioner seeks bail in anticipation of his arrest in connection with Khaira (Nagra) P.S. Case No.218 of 2018 instituted for the offences under Sections 304 and 307 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is Sub-contractor and was required to erect the pole for electricity, which was fallen, resulting in the death of a child who was playing near the electric pole. Learned counsel submits that the petitioner cannot be said to be liable for the death as he was only authorized to erect the pole.

Learned counsel for the State submits that the quality of the pole was below the standard and resultantly the incident



has occurred.

Considering the aspect, the matter does not come under sections 304 and 307 of the Indian Penal Code, I am inclined to grant benefit of anticipatory bail to the petitioner and in the event of arrest, he shall be released on bail subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sanjeev Prakash Sharma, J)

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