

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1233 of 2022

Arising Out of PS. Case No.-727 Year-2021 Thana- BANKA District- Banka

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1. SHIVJEE MANDAL Son of Late Horil Mandal Resident of Village - Koriyanda (Kanigariya), P.s.- Banka, Distt.- Banka.
 2. Prahlad Mandal Son of Shivjee Mandal Resident of Village - Koriyanda (Kanigariya), P.s.- Banka, Distt.- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-04-2022 Heard learned counsel for the parties.

The petitioners pray for bail in a case registered for the offence under Section 302/34 of the Indian Penal Code.

As per the prosecution case, on 03.09.2021, petitioners and two unknown persons assaulted and gave electric shock to the son of informant, as a result of which, he died.

It is submitted on behalf of petitioners that informant is not eye-witness of the occurrence and as a matter of fact, the deceased was an electrician and during course of electric work, he came in contact with electric current and unfortunately, died on spot itself. In the *post-mortem* report, the doctor has not found any injury or assault on the person of deceased. Petitioners claim clean antecedent and are in custody since 05.09.2021 and 17.09.2021 respectively.



However, learned A.P.P. for the State opposed the bail petition and submitted that there is direct and specific allegation against these petitioners of committing murder of son of informant. From bare perusal of the F.I.R., it is apparent that informant is eye-witness of the occurrence. In the *post-mortem* report also, the cause of death is electric shock.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioners and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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