

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18098 of 2023

Arising Out of PS. Case No.-401 Year-2022 Thana- RAHUI District- Nalanda

BHARAT RATAN son of Vijay Kumar Sinha Sherchanpur Ps- Harnaut Dist-
Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajanan Mishra, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Rahui P.S. Case no.401 of 2022 registered under sections 304 and 34 of the Indian Penal Code.

3. As per the prosecution case, while the husband of the informant was carrying out repair of the transformer, it is stated all of a sudden the electric line to the said transformer was switched on as a result of which the husband of the informant was electrocuted to death. The informant further states that at the said time the petitioner and one another were on duty. It is further stated that it is as a result of conspiracy that inspite of shutdown for repairs and the accused persons being fully aware of the fact of repair and contrary to the departmental rules, the



electric connection was switched on.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. There was no malicious intention on the part of the petitioner. From the contents of the FIR itself it would transpire that it is purely a case of accident. The petitioner has no reason to commit the said crime. He is in custody since 5.1.2023 and has no criminal antecedent. Chargesheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant.

6. It is submitted by learned counsel for the informant that not only the petitioner is named in the FIR but there is direct allegation against him that contrary to the departmental guidelines, it was the petitioner who without waiting for the clearance to restore, started the electric connection to the transformer where the husband of the informant was conducting repair work as a result of which he was electrocuted. Learned counsel submits that it is not just a case of negligence or an accident. It is not a case for grant of bail.

7. Having heard learned counsel for the parties and taking into consideration the nature of allegations in the FIR, the petitioner



having remained in custody since 5.1.2023, chargesheet having been submitted in the case and the petitioner not having any criminal antecedent, the Court directs the petitioner to be enlarged on bail in connection with Rahui P.S. Case no. 401 of 2022 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 1st , Biharsharif (Nalanda).

(Partha Sarthy, J)

Bibhash

U			
---	--	--	--

