

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38793 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- PAKRIDAYAL District- East Champaran

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MOHAN RAI @ MOHAN RAY Son of Ram Singhi Rai Resident of village -
Sundarpatti, P.S. - Pakari Dayal, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar No.1
For the Opposite Party/s	:	Mr. Surendra Prasad Singh
	:	Mr. Ajay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioner and

learned APP for the State assisted by learned counsel for the

informant.

2. The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 302 and
307 of the Indian Penal Code pending in the learned court
below.

3. As per the prosecution case, petitioner has illegally
surrounded his field with the electric wire and the said wire one
Baby Devi came in contact and received electric shock and died
on the spot. One Prabha Devi sustained injuries. Therefore,
police came and took the dead-body of deceased for post-
mortem and F.I.R. was lodged against this petitioner-accused.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to village politics. He further submits that the aforesaid occurrence was done by mistake of the supply of electricity to the boring/pump which was established in the concern agricultural field so that the allegations against the petitioner is mala fide with bad intention. He further submits that it is unbelievable fact that any farmer surrounded his agricultural field through electric wire connected with electric current. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State along with learned counsel for the informant vehemently opposing the bail application and submitted that the allegation levelled as the petitioner is serious in nature. Hence, he does not deserve anticipatory bail.

6. Considering the nature of the allegations, I am not inclined to enlarge the petitioner on bail in connection with Pakari Dayal P.S. Case No. 43 of 2023. Accordingly, his prayer for anticipatory bail is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today



and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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