

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 52398 of 2023

Arising Out of PS. Case No.-165 Year-2023 Thana- SAHPUR District- Bhojpur

Sonu Ray Son Of Kariya Ray @ Shiv Bhukhan Ray Resident Of Village-
Hirkhi Pipra, Ps- Shahpur, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-08-2023 Heard learned Counsel for the petitioner, counsel for
the Informant and learned APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable under Section 304 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against the petitioner and the allegation against him is that he circled his land by iron-wire and in the said land he attached electric current to the iron-wire due to which the father of the informant electrocuted and died.

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He submits that allegation made in the FIR is absolutely false.

According to him the place of occurrence was not the land of the petitioner rather it was the land of Buhar Choudhary on which the deceased had taken on *Batai*. He submits that the place of occurrence and petitioner's land is about 100 feet away and this occurrence took place due to electric shock but the reason behind the death is that the deceased himself was taking line from the open wire and then he died from the electric shock. Counsel submits that antecedent of the petitioner is also clean.

5. Learned APP for the State opposes the prayer for bail.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that it is the petitioner, who provided electric current in the fencing wire of his land, due to which informant's father died.

7. In the present facts and circumstances it is clear that petitioner had no intention to kill the informant's father, so let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond to the satisfaction of the learned Additional Chief Judicial Magistrate-Ist, Bhojpur, Ara in connection with Shahpur P.S. Case No.165

of 2023, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

Ashishsingh/-

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