

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66944 of 2023

Arising Out of PS. Case No.-229 Year-2023 Thana- JAGDISHPUR District- Bhojpur

Surenbra Singh Son Of Late Ram Bachan Singh Resident Of Village-
Haradiya Khadaha Tola, Ps- Jagdishpur, Distt- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-11-2023 Heard Mr. Shiv Prasad Gupta, learned counsel
appearing on behalf of the petitioner and learned Additional
Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Jagdishpur P.S. Case No. 229 of 2023, registered for the
offences punishable under Section 304/34 of the Indian Penal
Code.

3. Allegedly while the mother of the informant had
gone to attend call of nature, she came in contact with open
electric wire resulting into her death at spot. It is further alleged
that the accused persons Param Prakash and Rintu Kumar Singh
tried to conceal the dead body and the petitioner along with
others are instrumental in managing the case.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner has been made accused in this case in the capacity of he being owner of the land, where the occurrence is allegedly said to have been taken. However, neither at the place of occurrence any live wire has been found, nor the allegation of any intentional over act has been levelled. He further submits that even for the sake of argument, the allegation levelled in the F.I.R. is taken to be true, it can hardly be a case under Section 304(A), i.e. death caused due to rash and negligent Act and the same isailable. He further submits that in fact, it was an accidental death and during the course of post-mortem, it has come that the cause of death is virtuculer fibrillation of the heart due to high voltage current. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceedings of this Court.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that the materials available on record is primarily made out a case of death caused due to rash and negligence Act, let the petitioner abovenamed be released on bail, in the event of



his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 229 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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