

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69747 of 2022

Arising Out of PS. Case No.-118 Year-2022 Thana- SIKARHATTA District- Bhojpur

MUNNA PANDEY @ ABHAY KUMAR PANDEY SON OF LATE KAMLA
KANT PANDEY R/O VILL.- ITAURI, P.S.- SIKARHATA, DISTT.-
BHOJPUR

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. RAMESH CHOUDHARY SON OF HIRDYA CHOUDHARY R/O VILL.-
DEV, P.S.- SIKARHATA, DISTT.- BHOJPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Adv.

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-05-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Sikarhata P.S. Case No. 118 of 2022 registered for the offence punishable under Sections 385 and 304 of the Indian Penal Code.

The allegation is regarding the mother of the informant having gone for easing herself i.e. defecation when she came in contact with naked electric wire and got electrocuted, which led to her death.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned



counsel for the petitioner has further submitted that the place, where the mother of the informant got electrocuted, does not belong to the petitioner, hence, the petitioner is not having any complicity in the matter. In any view of the matter, it is submitted that the maximum punishment for the offence committed under Section 304A of the Indian Penal Code is two years, hence, a sympathetic view be taken for the purposes of grant of anticipatory bail to the petitioner.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the averment of the petitioner to the effect that the place, where the mother of the informant has got electrocuted, does not belong to the petitioner, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory 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, on furnishing bail



bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bhojpur, Ara in connection with Sikarhata P.S.Case No. 118 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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