

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76187 of 2023

Arising Out of PS. Case No.-456 Year-2023 Thana- SAHPUR District- Patna

1. Raju Rai S/O Behaya Rai @ Behaya Mistri R/O Shahpur, P.S.- Shahpur, District- Patna
2. Rajan Kumar @ Ranjan Kumar Son of Raju Rai, R/O Shahpur, P.S Shahpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Perna Rishi, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Ms. Perna Rishi, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Shahpur P.S. Case No. 456 of 2023 registered for the offences under Sections 304, 326, 287 r/w 34 of the Indian Penal Code.

3. The prosecution case is based on the written report of the informant alleging therein that while she along with her husband were strolling in the farm, which was leased out in favour of the petitioners, they came in contact with live electric wire, due to which her husband was badly electrocuted, leading to his death. She also suffered electric shock.



4. It is submitted on behalf of the petitioners that the petitioners have been made accused in this case on account of they being the lease holder of the land, on which allegedly the husband of the informant came in contact with the live electric wire, leading to his death. However, the petitioners have no concern with the live electric wire, which was passing through the land, in question, nor there is any eye witness to the alleged occurrence. She further submits that in fact the unfortunate incidence was an accident and in no stretch of imagination makes out a case under Section 304 of the Indian Penal Code, rather it can hardly be a case of death caused due to rash and negligent act under Section 304A of the Indian Penal Code and thus bailable in nature. She further submits that though the petitioners have one criminal antecedent, however, they are on bail in the said case and now they undertake that they will fully cooperate in the investigation and in the proceedings of the court.

5. On the other hand, learned APP for the State opposes the bail application and submits that because of the rash and negligent act of the petitioners', the husband of the informant came in contact with the live electric wire, leading to his death.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners have no concern with the live electric wire, which was passing through the land, in question, and this Court finds substance in the submission of the petitioners that the ingredients made in the F.I.R. constitute a case under Section 304A of the Indian Penal Code, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -I, Danapur, Patna in connection with Shahpur P.S. Case No. 456 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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