

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74363 of 2022

Arising Out of PS. Case No.-525 Year-2022 Thana- BARACHATTI District- Gaya

UPENDRA PRASAD @ UPENDRA KUMAR S/O Balchand Mahto R/O
Village- Ajnawan, P.S- Mohanpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-04-2023 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 Barachatty P.S. Case No. 525 of 2022, registered for the offence punishable under Section 304 of the Indian Penal Code.

The allegation is regarding the wife of the informant having died on account of electrocution when she was going to graze her cattle in the morning. It is alleged that the petitioner had fenced his poultry farm with live electric wires, which had caused the death of the wife of the informant by electrocution.

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, by referring to paragraph no. 11 of the present petition that the live electricity wire had fallen on the ground and while the wife of the informant was crossing the said place, she had come in contact with the said live wire, resulting in her death on account of electrocution, hence, the petitioner is not having any complicity in the matter. In any view of the matter, it is submitted that the maximum sentence, which can be awarded to the petitioner under Section 304A of the Indian Penal Code, is two years.

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 as also the materials available on record and taking into account the fact that the deceased had died due to electrocution on account of her having come in contact with a live wire, which is stated to have snapped and fallen down on the ground, 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 ACJM 1st, Sherghati, Gaya, in connection with Barachatty P.S.Case No. 525 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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