

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15046 of 2024

Arising Out of PS. Case No.-321 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

Malloo @ Akshay Lal Kushwaha Son of Sri Ramanand Kushwaha Resident
of Village- Ramobaria, P.S.- Buxar (Industrial Area), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Singh, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 12-03-2024 1. Heard learned counsel appearing on behalf

of the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.
2. The accused/petitioner is named in F.I.R.

and apprehending his arrest in connection with Buxar
(Industrial Area) P.S. Case No. 321 of 2023, registered

for the offences punishable under Sections 304 and 34

of the Indian Penal Code.
3. The allegation against above named

petitioner is to commit culpable homicide not amounting

to murder by supplying electric current to naked wire

surrounding his field, where out of electrocution, the



father of informant died.

4. Learned counsel appearing on behalf of the petitioner submitted that the informant is not the eye-witness of the fact that supply of electric current was made by petitioner and same only out of suspicion of the fact that petitioner had taken land in issue on rent for agricultural activities, implicated falsely. It is pointed out that it was not in knowledge of petitioner that father of informant visited the area, where he died out of accident. It is submitted that death is pure accidental in nature, where save and except suspicion, nothing appears *prima facie* against petitioner, who is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances, as *prima facie* death of father of informant appears out of accident i.e. electrocution, where save and except suspicion, nothing appears incriminating on its face against petitioner out of



narration of FIR, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar/concerned Court, where the case is pending in connection with Buxar (Industrial Area) P.S. Case No. 321 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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