

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1061 of 2024

Arising Out of PS. Case No.-349 Year-2023 Thana- MAGADH UNIVERSITY District- Gaya

Vishun Yadav, Aged about 46 years (Male), Son of Late Kail Yadav, Resident of Village- Bishunpur, Police Station- Dobhi, Dist.- Gaya (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandmuni Devi, Wife of Ram Dahin Manjhi, Resident of Village- Nishar, Police Station- Magadh University, Dist.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Aryan Singh, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 23-04-2024 Despite the notice has been served, no one appears on behalf of the informant to assist this Court.

2. Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

3. The instant appeal has been filed by the appellant against the order dated 22.01.2024 passed by learned Exclusive Special Judge, SC/ST, Gaya whereby the prayer for bail of the appellant in connection with M.U. P.S. Case no. 349 of 2023 under Section 304 of the Indian Penal Code and Section 3(2) of SC/ST Act was rejected.

4. The prosecution is that appellant illegally committed theft of electricity from a nearby transformer to his



farm house i.e. poultry farm. On 18.10.2023 due to live current in the nude electricity wire, the daughter of informant touched and died of electric current and burning.

5. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case. He has not taken the caste name of the informant in public view. Hence, no offence is made out under the provisions of the SC/ST Act against him. The appellant has got no criminal antecedent and he is languishing in judicial custody since 05.12.2023.

6. The appeal for bail is opposed by learned Spl. P.P. for the State.

7. From perusal of the F.I.R. and impugned order dated 22.01.2024, it appears that on the basis of written report of informant Chandmuni Devi F.I.R. registered against the present appellant. The death of the deceased occurred from electric shock and burn. In the alleged occurrence not a single act has been done by the appellant and the occurrence took place due to a naked torn wire which fell from the pole to the water which was unknowingly touched by the informant's daughter due to which she died. There was no intention either knowingly or unknowingly by the appellant of getting this occurrence



happened at all.

8. Considering the facts and circumstances of the case and period of custody of the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 22.01.2024 is hereby set aside.

9. Let the appellant be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in connection with M.U. P.S. Case No. 349 of 2023.

(Ramesh Chand Malviya, J)

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