

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16674 of 2024

Arising Out of PS. Case No.-235 Year-2023 Thana- PANDARAK District- Patna

Kishori Mahto Son Of Late Puran Mahto Resident Of Village - Shekhpura
(Dhanuktoli), P.S. - Pandarak, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhim Sen Prasad, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Pandarak P.S. Case No. 235 of 2023, registered for the alleged offence under Section 304 of the Indian Penal Code.

03. As per prosecution case, father of the informant got electrocuted from the shock received from the wire put by the petitioner on his land.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No offence under Section 304 IPC is made out in the present case and from the facts of the case it can only be a case under Section 304A of IPC. However, the electric connection



which supplied electricity in the wire, which was installed to protect the crops from wild animals, stands in the name of the informant. Learned counsel further submits that even the wire put as electric fence was not installed by this petitioner rather it was done by some other person who was having his land adjacent to the land of the petitioner. The petitioner has got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the vague nature of allegation and further considering the lack of substantive material to show the involvement of the petitioner in causing death of father of the informant, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Barh, Patna/concerned court in connection with Pandarak P.S. Case No. 235 of 2023, subject to the condition laid down under Section 438(2) of the Code of



Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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