

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41038 of 2024

Arising Out of PS. Case No.-855 Year-2023 Thana- MASAUDHI District- Patna

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Dhiraj Paswan @ Dhiraj Kumar Son of Umesh Paswan Resident of Village-
Masaurhi Dih, P.S.- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-08-2024 Heard learned counsel for the petitioner as well as

learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 302 and 34 of the IPC in connection with Masaurhi P.S. Case No.855 of 2023

3. The defects as pointed out by the office is ignored.

4. The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that her husband had gone to see his field and the informant was also accompanying him, further her husband saw that the accused persons including the petitioner had taken an electric wire through his field near their boring, on which her husband objected, hence the accused persons assaulted him by fist and petitioner tied the electric wire around her husband, on



account of which he received electric shock leading his death, further since her husband died as such the informant and her family members lost mental balance and on advise of villagers the dead body was cremated as villagers said that if postmortem of the body will be done, then the doctors would make cut in the body during postmortem.

5. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that date of occurrence is 28.05.2023, the complaint petition was filed on 24.07.2023 and the FIR came to be instituted on 08.12.2023. It is also submitted that it appears that informant is not an eyewitness to the occurrence or else the normal reaction of the informant would have been to inform the police. It is further submitted that had the petitioner tied the wire around the body of the deceased, on account of which he got electrocuted in that event, the petitioner would also have been electrocuted, but then that is not the case. It is also submitted that the body was cremated without postmortem, as such whether the death was homicidal, suicidal or accidental cannot be culled out.

6. The learned APP opposes the anticipatory bail application.



7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Masaurhi, Patna in connection with Masaurhi P.S. Case No.855 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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