

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25431 of 2024

Arising Out of PS. Case No.-255 Year-2023 Thana- SULTANGANJ District- Bhagalpur

1. Ghanshyam Yadav S/o- Thakur Yadav Vill- Mirhatti Ps- Sultanganj Dist- Bhagalpur
2. Parshuram Yadav son of Suresh Yadav Vill- Mirhatti Ps- Sultanganj Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 45430 of 2024

Arising Out of PS. Case No.-255 Year-2023 Thana- SULTANGANJ District- Bhagalpur

Hakim Yadav SON OF Dukhan Yadav Village- Mirhatti, P.S. -Sultanganj,
Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 25431 of 2024)
For the Petitioner/s : Mr. Diwakar Yadav
For the Opposite Party/s : Mr. Dilip Kumar No.1, APP
(In CRIMINAL MISCELLANEOUS No. 45430 of 2024)
For the Petitioner/s : Mr. Sanjeev Ranjan
For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-09-2024 Heard learned counsels for the parties.

2. As both these bail applications have cropped up from
the same police station case number, hence, with consent of
parties, they are being heard together and disposed of by this



common order.

3. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 302, 34 of the Indian Penal Code.

4. As per the FIR, the petitioners and other co-accused persons went to the house of the informant and took her husband along with them to the field for cooking meat, fish and drinking but he did not return in the night. The informant got to know in the morning that her husband died near a heater kept on the land.

5. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. There is no eye witness to the alleged occurrence. He further submitted that from perusal of the postmortem report, it would manifest that the deceased died on account of asphyxia and shock due to contact with live electric wire. It is further submitted that even the injury suffered by the deceased is on fingers, which amply



demonstrates that the deceased by mistake touch the live electric wire due to which he got electrocuted, as such, his fingers were injured. The injuries no.1, 2 and 3 were anti mortem and dangerous to in ordinary course of nature, sufficient to cause death and caused by contact with live electric wire. Petitioners have one criminal antecedent.

6. Learned APP for the State vehemently opposed the prayer for anticipatory bail.

7. Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Sultanganj P.S. Case No.255 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. However, petitioners shall co-operate with the investigation. They shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons,



their bail bonds shall be liable to be cancelled by the learned
court concerned.

(Anjani Kumar Sharan, J)

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