

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57874 of 2023

Arising Out of PS. Case No.-633 Year-2023 Thana- TURKAULIYA District- East Champaran

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1. Munilal Mahto S/O- Late Ramashish Mahto R/O- Village- Bhela Chhapara Pathak Tola, P.S.- Turkauliya, Dist.- East Champaran.
 2. Bhikhari Mahto S/O- Bishori Mahto R/O- Village- Bhela Chhapara Pathak Tola, P.S.- Turkauliya, Dist.- East Champaran.
 3. Bhulan Mahto S/O- Late Ramji Mahto R/O- Village- Bhela Chhapara Pathak Tola, P.S.- Turkauliya, Dist.- East Champaran.
 4. Ekbal Mahto S/O- Sukhal Mahto R/O- Village- Bhela Chhapara Pathak Tola, P.S.- Turkauliya, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304, 34 of the Indian Penal Code.

3. Allegation against the petitioners is that petitioners called the informant's father for boring hand pump in their *khalihan*. Thereafter, the informant's father with his two associates went to the house of the accused persons who took them to the place where hand pump was to be bored. On seeing the place, informant's father said that they could not bore the hand pump at that place because there is 11,000 volt wire and



pole nearby that place and there is danger to life, but the accused persons forcibly got the informant's father entered into the pit filled with water and as soon as the informant's father entered into the pit a current had already arisen in the water and the informant's father died due to electric shock.

4. It is submitted by learned counsel for the petitioners that the petitioners are innocent and have committed no offence. No such occurrence as alleged ever took place. They have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He further submitted that in the case diary there is no evidence found against the petitioners. It was an accident father of the informant died due to electric shot. There is no case made against the petitioners of offence u/s 304 and 34 of the I.P.C. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, there is no case made u/s 304 and 34 of I.P.C. against the petitioners, 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) 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 Turkauliya P.S. Case No. 633 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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