

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60821 of 2024

Arising Out of PS. Case No.-149 Year-2024 Thana- PATAHI District- East Champaran

Md. Masir Son of Md. Baithullah Resident of Village- Lahsaniya, P.S.-
Patahi, District- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 26-10-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Patahi P.S. Case No. 149 of 2024, registered
for the offence punishable under Sections 285, 304 and 201/34
of the Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that on 12.06.2024 at about 05:00 AM, the husband of
the informant went to his field but did not return. Later on, when
the informant went to the nearby field, the father of the
petitioner forbade him to enter in his field. On the next day,
when she again reached over his field, she found that the electric
wire through which the field was surrounded has been taken
away and thus, suspicion has been raised that the husband of the



informant might have died on account of electrocution and his dead body is concealed.

4. Learned Advocate for the petitioner contended that the alleged occurrence took place on 12.06.2024, but surprisingly, the FIR has been instituted on 16.06.2024, without there being any explanation. It is next contended that in fact the deceased died on account of electrocution and later on, only on account of suspicion, the name of the petitioner has been implicated; and after recording his confession, the dead body was shown to be recovered from a graveyard, which is completely denied by the petitioner. It is next contended that even if the allegation taken to be true, for the sake of argument, it can hardly be a case under Section 304(A) of the Indian Penal Code, death caused on account of rash and negligent act and, as such, bailable in nature, but the police has instituted the case under Section 304, which is not applicable in the present case. It is lastly contended that, be that as it may, now the petitioner has been incarcerated since 18.06.2024, having fair antecedent and the investigation of the crime is complete.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that apart from the fact that the deceased died on account of electrocution,



which was due to unauthorized fencing of the field through naked electric wire. That apart, the dead body of the husband of the informant was recovered on the basis of the confessional statement of the petitioner and, as such, it is also a case of confession leading to recovery, apart from causing death.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the deceased died on account of electrocution, coupled with the fact that the investigation of the crime is complete and the charge-sheet has been submitted, apart from the delay in lodging of the FIR and the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Patahi P.S. Case No. 149 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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