

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65466 of 2024

Arising Out of PS. Case No.-194 Year-2023 Thana- GHANSHYAMPUR District- Darbhanga

1. Prashant Kumar Son of Ravindra Kumar Das Village- Bangarahatta, Ps- Ghanshyampur, Dist- Darbhanga
2. Ghanshyam Kumar and Ghanshyam Kumar Jha Son of Arun Kumar Jha Village- Kesrour, Ps- Ghanshyampur, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 05-10-2024 Heard Mr. Baidyanath Prasad, learned counsel for
the petitioners and Mr. Tapeswar Sharma, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Ghanshyampur P.S. Case No. 194 of 2023, F.I.R. dated 16.08.2023 for the offences punishable under Section 304 of the Indian Penal Code.

3. According to prosecution case, the husband of the informant, namely, Jubair Alam was doing electric maintenance work at transformer on 12.08.2023 at 5:00 PM by getting cut of electric supply but during progress of maintenance work, electric line supplied from the power house (power sub-station) due to which the husband of the informant died on the spot.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the petitioners are not named in the FIR, the name of the petitioners have been transpired during the investigation only on the basis that they are operators of Power Sub-Station Nair and the deceased has connected the electricity without any permission and due to fault in the electricity the deceased has died. He further submits that it appears from the FIR that the date of occurrence as alleged in the FIR is 12.08.2023 but the present FIR instituted on 16.08.2023 after a delay of four days.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, petitioners having clean antecedent, the petitioners are not named in the FIR and there names have been transpired during the investigation only on the basis that they are the operators of Sub-Station Nair, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned



A.C.J.M. Biraul, Darbhanga in connection with Ghanshyampur P.S. Case No. 194 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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