

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67634 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- TEYAR District- Bhojpur

Sipahi Singh Son of Late Bhola Singh Resident of Village - Panch Ke Tola,
P.S. - Tiyar, District - Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP
For the Informant	:	Mr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mr. Shashank Shekhar, learned counsel for the petitioner, learned counsel appearing on behalf of the informant as well as Mr. Ajay Kumar Jha, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Tiyar P.S. Case No. 40 of 2024, F.I.R. dated 16.05.2024 for the offences punishable under Section 304 of the Indian Penal Code.

3. According to prosecution case, this petitioner has fenced his orchard with aluminum wire with live current and when the informant's wife went there with her cattle, she accidentally touched the wire and died.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the



present case. He further submits that the petitioner has no intention to kill the wife of the informant and he has fenced his orchard with wire only for the purpose of keeping the animals away and accidentally the wife of the informant got electric shock and she died.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has intentionally installed the wire near the field of the petitioner and due to laches on the part of the petitioner, the wife of the informant died. And apart from that the petitioner carries three criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner has been acquitted in two cases and in one case he is on bail.

6. Considering the aforesaid facts and circumstances, let the petitioner, 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 bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Tiyar



P.S. Case No. 40 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

- i. Petitioner 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 petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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