

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67110 of 2023

Arising Out of PS. Case No.-74 Year-2020 Thana- DARBHANGA RAIL P.S. District-
Samastipur

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1. SHAMBHU NATH PASWAN S/o Yamun Paswan R/o Village - Nazipur Shekhpura, P.S. - Abhiyapur
 2. Md. Abdul Kadir S/o Md. Manjoor Alam R/o Village - Mehsaul, P.S. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-01-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in a case registered
for the offence punishable u/s 304/34 of the IPC.

3. As per the prosecution case, husband of the informant
was driver of Truck bearing Reg. No.BR-06G-5501 and on
20.12.2020, the rice of F.C.I. was being loaded by her husband
and when he boarded on the roof of the truck to see the rack of
bag, then he came in the touch of electric wire of 25000 volt and
he died. It is alleged that the F.I.R. named accused persons are
responsible for the death of the husband of the informant as they
did not give any direction with regard to the electric line.



4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They are not named in the F.I.R. and have been falsely implicated in this case. Petitioners are the representatives of Proprietor of M/s Umesh Kumar Transport and they had no role at the rack point at the Sitamarhi Railway Station in loading of rice of the F.C.I. It is further submitted that no offence u/s 304/34 IPC is made out against the petitioners as it is a case of accidental death and is not a case of dereliction in discharge of duty on the part of the petitioners. There is no specific allegation against the petitioners. It is clear from the F.I.R. itself that the husband of the informant went to see the pile of sack over the truck but he came in contact with high tension electric wire of 25000 volts and died due to electric shock. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that both petitioners were deputed by the Transporter for loading of the rice of the F.C.I. but they did not inform the deceased regarding the high tension electric wire.

6. Having regard to the facts and circumstances of the case, since there is no specific allegation 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) 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 Darbhanga (Sitamarhi) Rail P.S. Case No.74 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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