

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71378 of 2023

Arising Out of PS. Case No.-456 Year-2023 Thana- SAHPUR District- Patna

Raj Kumar Singh @ Raj Kumar, Son Of Ram Jaham Singh @ Ramjalam
Singh, Resident Of Village- Sahpur, Ps- Sahpur, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 20-07-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Shahpur P.S. Case No. 456 of 2023, registered for the
offences punishable under Sections 304, 326, 287 and 34 of the
Indian Penal Code.

3. Based on the written report the prosecution alleges
that while the informant alongwith her husband were strolling in
the farm which was leased out in favour of one Raju Rai, they
came in contact with live electric wire, due to which her
husband was badly electrocuted, leading to his death. The
informant also suffered electric shock.

4. Learned counsel appearing on behalf of the



petitioner contended that the petitioner has been made accused in this case only on account of the fact that he alongwith one Kameshwar Singh has leased out his land in favour of Raju Rai. The petitioner had neither any concern with the live electric wire, nor he was present at the time of alleged occurrence. It is also contended that co-accused Raju Rai, in whose favour the land was leased, has been allowed the privilege of anticipatory bail in Criminal Misc. Case No. 76187 of 2023. It is the also the contention of the petitioner that though the incidence was an unfortunate but accidental in nature, and thus, in no stretch of imagination makes out a case under Section 304 of the Indian Penal Code, rather the ingredients constitute a case under Section 304A of the Indian Penal Code and thus bailable in nature. The petitioner has absolutely clean antecedent and he undertakes that he will cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the land in question, where the unfortunate incidence has taken place was leased out in favour of co-accused Raju Rai who has already



been accorded bail by this Court coupled with the fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Danapur in connection with Shahpur P.S. Case No. 456 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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