

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72034 of 2024

Arising Out of PS. Case No.-761 Year-2023 Thana- GARKHA District- Saran

Rohit Singh @ Rohit Kumar, Son of Phalindar Singh @ Phanindra Singh
Village- Salaha, P.S.- Garkha, Dist.- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Swet Kumar Singh, Son of Ramashankar Singh, R/o Village- Salaha, P.S.-
Garkha, Dist.- Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dhananjay Kumar Tiwary, Advocate
For the Informant	:	Mr. Pushpendra Kumar Singh, Advocate
		Mrs. Divya Bharti, Advocate
For the Opposite Party/s	:	Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 30-09-2024 Heard the parties.

2. This application has been filed for quashing of order dated 02.09.2024 passed in Sessions Case No. 560 of 2024 by learned Additional District and Sessions Judge-XII, Saran at Chapra in connection with Garkha P.S. Case No. 761 of 2023 dated 26.12.2023 whereby and whereunder petition under Section 227 of the Code of Criminal Procedure filed by the petitioner for his discharge has been rejected.

3. The prosecution story in brief is that on 26.12.2023 at 8:00 A.M. the informant Swet Kumar Singh along with his nephew Rajnish Kumar Singh had gone to irrigate his field. Besides his field there was maize field of petitioner who had fenced his field with electric wire in which he had supplied



electric current. When the informant and his nephew were spreading pipe in their field for irrigation, nephew of the informant came in contact of the electric wire and due to electric shock he fell down and became unconscious. When he tried to save his nephew, the wire touched his right hand finger due to which three fingers of his right hand was burnt. The informant and his nephew were taken to Garkha for treatment but on the way his nephew died.

4. The learned counsel for the petitioner has argued that no offence under Section 302 is made out from the materials on record.

5. From the reading of the F.I.R., offence in my opinion *prima facie* offence of murder is made out against the petitioner.

6. After some arguments, the learned counsel for the petitioner is permitted to withdraw this application to raise all the grounds in the trial.

7. Accordingly, this application is dismissed as withdrawn.

(Sandeep Kumar, J)

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