

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81091 of 2023

Arising Out of PS. Case No.-220 Year-2017 Thana- BELAGANJ District- Gaya

Satyendra Kumar @ Satyendra Sharma @ Satendra Sharma Son Of Late
Kamta Prasad Sharma Resident Of Village - Habiblaipur, Police Station -
Ghosi In The District Of Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi Wife Of Late Surendra Prasad Resident Of Village - Harigaon,
Police Station - Belaganj In The District Of Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-02-2024 1. Heard learned counsel for the petitioner and
learned APP.

2. The learned counsel for the petitioner submits that
petitioner is an employee of the electricity company.

3. It is next submitted that the present quashing
application has been filed seeking quashing of the order dated
13-1-2022 passed by the learned ACJM-II, Gaya, in Belaganj
PS Case No. 220 of 2017, GR No. 4113 of 2017, whereby
cognizance of offence under Sections 304 and 34 of the IPC has
been taken.

4. The learned counsel next submits that the deceased
was employed with a Contractor, who worked for the electricity



company and was an Electrician. It is further submitted that he had gone to repair a fault, while repairing the fault he died. It is next submitted that the death was accidental, but then the wife of the deceased filed a false criminal case alleging that the deceased had an altercation with the petitioner and others, based on which when he had gone to repair the fault, the accused persons started the line on account of which he died, on account of electric shock.

5. The learned counsel for the petitioner next submits that the deceased had gone to repair the fault even without informing the authorities of the company, as such, the authorities of the company were not aware about the fault which the deceased had gone to repair, as such, it cannot be attributed to the petitioner that they intentionally switched on the electric current leading to death of the deceased.

6. The learned APP, Mr. Chandra Bhushan Prasad, at this stage, rebuts the submission of the learned counsel for the petitioner and submits that the defence of the petitioner at this stage cannot be looked into, but if what is being submitted by the learned counsel for the petitioner is true, then in that event, he can raise all issues at the time of framing of charge as the court has wider jurisdiction to appreciate the facts and laws



relating to the case.

7. The learned counsel for the petitioner, at this stage, seeks permission to withdraw the quashing application with liberty to raise all issues at the time of framing of charge.

8. Permission is accorded.

9. Accordingly, the present quashing application is dismissed as withdrawn.

(Satyavrat Verma, J)

SUMIT/-

U		T	
---	--	---	--

