

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77927 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- PAKRIDAYAL District- East Champaran

Mohan Rai @ Mohan Ray Son Of Late Ram Sanehi Rai @ Late Ram Sidhi
Rai Resident of Village - Sundarpatti, Police Station - Pakridayal, District -
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.

For the Opposite Party/s : Mr.Bharat Lal, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 12-02-2024 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State as also perused the case

diary.

2. The petitioner seeks bail in connection with

Pakridayal P.S. Case No. 43 of 2023 instituted for the offences

under Sections 302 & 307 of the Indian Penal Code.

3. As per prosecution case, while the Informant
(Chaukidar) was visiting the area on 25.02.2023 at about 19.30
hrs., he received an information that a woman has died after
being struck by an electric wire in the village Sundarpatti. When
he reached at the place of occurrence, the villagers told that the
accused Mohan Rai/the petitioner had illegally fenced his corn
field with electric wire. Baby Devi died at the spot and one



Prabha Devi sustained grievous injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case by the Informant/Chaukidar due to dirty local politics. He further submits that actually the deceased/Baby Devi and the injured Prabha Devi had gone to drink water at the motor-pump but, unfortunately, they came under the shock of earthing wire causing death of the deceased/Baby Devi at the spot itself. He further submits that the petitioner had no knowledge about the current being passed in the earthing wire and he was just irrigating his crop. The petitioner has no criminal antecedent. Charge-sheet has been submitted in this case and the petitioner is languishing in judicial custody since 25.02.2023. Learned counsel for the petitioner has further submitted that the injured Prabha Devi, in her statement, has stated that while they were coming to the house, on the way, they came in contact with the electric wire due to which the deceased/Baby Devi died at the spot while she sustained serious injury.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that the allegation levelled against the petitioner is



serious in nature. He has further submitted that from the F.I.R. itself, it appears that the petitioner had illegally fenced his corn filed with un-coated open electric wire due to which the deceased/Baby Devi died of electrocution. Hence, he does not deserve grant of bail.

6. Considering the entire facts and circumstances of the case and the period of custody undergone by the petitioner as also having taken into account the rival submissions made by the learned counsel for the parties, let the petitioner, abovenamed, be released on bail after framing of charge, if the charge is not framed, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Pakridayal P.S. case No. 43 of 2023.

(Rudra Prakash Mishra, J)

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