

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78917 of 2023

Arising Out of PS. Case No.-235 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

1. Rishi Chaubey @ Rishikesh Chaubey S/O Late Ramjee Chaubey R/O Village- Ahirouli, Ps. Buxar (INDUSTRIAL) Dist. Buxar.
2. Shashi Chaubey S/O Late Bechan Chaubey R/O Village- Ahirouli, Ps. Buxar (INDUSTRIAL) Dist. Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 05-03-2024
1. Heard learned counsel appearing on behalf of the petitioners, learned Additional Public Prosecutor appearing on behalf of the State and learned counsel appearing on behalf of informant.
 2. The both accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Buxar (Ind.) P.S. Case No. 235 of 2023, registered for the offences punishable under Sections 287/337, 338, 308/34 of the Indian Penal Code.
 3. The allegation against both above named petitioners is to commit culpable homicide not amounting to murder by forcing deceased to work near to electric cable



supply of 11000 volts.

4. Learned counsel appearing on behalf of the petitioners submitted that much prior to this occurrence, deceased was working as a contractor on the site, where he died out of electrocution. It is submitted that death of deceased out of electrocution is not disputed. Learned counsel further submitted that during course of investigation, it transpires from the statement of father of deceased that a contract was taken against cash of Rs. 1,85,000/-, where Rs. 85,000/- was already paid and the moreover, as deceased was working over site much prior to this occurrence, it is safe to suggest that he was aware about the high voltage electric supply near to the site. It is pointed out that nothing during the course of investigation, till now surfaced, which may suggest that deceased was brought forcibly for execution of civil work at site, where occurrence took place. It is further submitted by learned counsel that injured brother of informant died after 16 days during treatment in Patna Medical College and Hospital and no statement of injured/deceased was recorded by investigating agency. Petitioner is a man of clean antecedent.

5. Learned APP, duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer



of bail submitted that the deceased taken by petitioner on site by making false statement that during work period electric supply would not available. It is further submitted that after the occurrence, petitioner fled away from the place of occurrence.

6. Considering the aforesaid facts and circumstances, where fact of this case suggest *prima facie* that occurrence is accidental in nature, accordingly, both above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Buxar/concerned Court, where the case is pending in connection with Buxar (Ind.) P.S. Case No. 235 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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