

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80806 of 2024

Arising Out of PS. Case No.-141 Year-2024 Thana- KARJAIN District- Supaul

Lakshman Sah Son of Late Kusum Lal Sah Resident of Village - Bauraha,
Ward No. 12, P.S. - Karjain, District - Supaul

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Rashmi Jha, Adv.
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-12-2024 Heard Ms. Rashmi Jha, learned counsel appearing on

behalf of the petitioner and Mr. Bhanu Pratap Singh, learned

Additional Public Prosecutor for the State. The informant is

represented through Mr. Dharmendra Kumar Tiwary, learned

Advocate.

2. The petitioner apprehends his arrest in connection

with Karjan P.S. Case No. 141 of 2024, registered for the

offences punishable under Section 105 of 2023 Bharatiya Nyaya

Sanhita (herein referred as ‘BNS’), 2023

3. Based upon the written report, the prosecution

alleges that on 17.09.2024 when the husband of the informant

went to his bamboo orchard near his house to cut bamboo, in the

meantime, the live wire which was placed by the petitioner for

connecting the motor for irrigation purposes, he came into

contact with the live wire and died on the spot.

4. Learned counsel appearing on behalf of the petitioner drawing the attention of this Court has contended that even if the allegation levelled in the FIR taken to be true, admittedly, there was no intention or *mens rea*, to cause any injury or death of any person. He further drew the attention of this Court to the impugned order that even during the course of investigation, it has been found that the live wire was passing through the bamboo orchard of the informant as well as the petitioner. The allegation even if taken to be true no case much less under Section 105 of B.N.S. Act is made out and hardly it can a case of 106 of B.N.S. Act which is bailable in nature. It is lastly contended that the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the investigation under proceeding of the Court.

5. On the other hand, learned counsel for the State as well the informant vehemently opposed the pre-arrest bail application and submitted that admittedly the death has caused on account of keeping the naked wire in bamboo orchard. The cause of the death in the postmortem is also shown to electrocution and, as such, the ingredients are available to constitute offence under Section 105 of B.N.S. Act

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation levelled in the FIR that the deceased died on account of sheer negligence of the petitioner; however, there was no intention to cause such death, 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.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Birpur, Supaul in connection with Karjan P.S. Case No. 141 of 2024, 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.)

Jyoti Kumari/-

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