

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86254 of 2023

Arising Out of PS. Case No.-181 Year-2023 Thana- SURYAPURA District- Rohtas

1. Pawan Singh @ Pawan Kumar Singh, Aged about 35 years, Male, Son of Kapil Dev Singh,
2. Dinesh Singh @ Chhotak Singh, Aged about 45 years, Male, Son of Late Salik Singh
Both are Resident of village- Saura, Police Station- Suryapura, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate Mr. Vipin Kumar Singh, Advocate Ms. Nikita Mittal, Advocate Mr. Janmejy Giridhar, Advocate
For the Informant	:	Mr. Ajay Kumar Singh, Advocate
For the State	:	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 07-03-2024 Heard Mr. Bindhyachal Singh, learned senior counsel assisted by Mr. Vipin Kumar Singh, learned counsel appearing on behalf of the petitioners; Mr. Ajay Kumar Singh, learned counsel appearing on behalf of the informant and Mr. Ajit Kumar, learned A.P.P. for the State.

2. The petitioners seek pre-arrest bail in connection with Suryapura P.S. Case No. 181 of 2023 registered for the offence punishable under Section 304 of the Indian Penal Code.

3. Prosecution story, in brief, is that husband of the informant was found dead in the field of one Shital Singh.



Allegation is specific against the petitioners that due to electrocution, the death of the husband of the informant had occurred while, accidentally, husband of the informant had touched the naked wire passing through the field of the petitioners. Accordingly, the petitioners have been made accused that after hatching a conspiracy, they had committed murder of the husband of the informant.

4. Learned senior counsel appearing on behalf of the petitioners submitted that it is admitted that the death of the husband of the informant had taken place as a result of electrocution and the same has been confirmed by the doctor, who had performed postmortem of the dead body, which has been made part of the case diary. He further submitted that this is a case of accidental death and the petitioners cannot be held liable for having committed murder of the husband of the informant. Learned senior counsel further submitted that the negligence is not on the part of the petitioners, rather, it is on the part of the power holding company, which has not taken any action against the person for such illegal act. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the



informant submitted that it is admitted that the death had occurred due to electrocution and it is confirmed by the doctor, who has prepared postmortem. At the same time, it is also admitted that the naked live wire passed through the field of the petitioners and death took place because the husband of the informant had accidentally touched the naked live wire. He further submitted that all the witnessed in their statement recorded under Section 161 of Cr.P.C. have given information that petitioners are the one, who are liable for death of the husband of the informant. On these grounds, he submitted that the petitioners do not deserve to be released on pre-arrest bail.

6. Mr. Ajit Kumar, learned A.P.P. appearing on behalf of the State has also vehemently opposed the prayer for grant of pre-arrest bail to the petitioners, however, he submitted that informant can claim compensation from the power holding company on account of death of her husband.

7. Having considered the rival submissions made on behalf of the parties and the allegation made in the FIR, as well as, from the perusal of the case diary and postmortem report, it appears that the death had taken place due to electrocution. In course of investigation, Investigating Officer has found that naked live wire had passed through the field of the petitioners.



Death is admittedly accidental. Inhabitant of the village in their statement recorded under Section 161 of Cr.P.C., in course of investigation by the Investigating Officer, also reveals the fact that the common people of the village were knowing that the open naked live wire is passing through the field of the petitioners. It cannot be considered that due to the negligence of the petitioners, the death has occurred, rather, the same, *prima facie*, appears to be accidental in nature having been caused due to electrocution. The dead body of the husband of the informant was found in the field of some other person, namely, Shital Singh.

8. This is one of the glaring case in which the power holding company has not performed its duty in restricting the villagers to have resorted in illegal manner to use naked live wire to protect their crops. No doubt the crops are being damaged by animals and the same causes national loss as well. In the present case, the informant has not made the power holding company as accused, however, the informant cannot be denied due compensation by the power holding company.

9. I am of the opinion that the informant may take steps to claim compensation from the power holding company, if so advised.



10. The death is due to electrocution, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Rohtas at Sasaram in connection with Suryapura P.S. Case No. 181 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

11. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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