

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35215 of 2025**

Arising Out of PS. Case No.-8 Year-2025 Thana- KUDHNI District- Muzaffarpur

Shambhu Sahani @ Shambhu Sahni @ Sambhu Sahani S/o Mahendra Sahni  
R/o Vill- Chandrahatti, P.S.- Kundhani, Distt- Muzaffapur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                               |
|--------------------------|---|-------------------------------|
| For the Petitioner/s     | : | Mrs. Vaishnavi Singh, Adv.    |
| For the Opposite Party/s | : | Mr. Suresh Prasad Singh, Adv. |
| For the Informant        | : | Mrs. Archana Shahi, Sr. Adv.  |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

6      21-01-2026                      Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Kudhani P.S. Case No. 08 of 2025 registered for the offences punishable under Sections 105, 3(5) of BNS.

3. As per FIR, the husband of the informant aged about 35 years died due to electrocution what he received from the electric wire fence in tobacco field of the petitioner.

4. It is submitted by Mrs. Vaishnavi Singh, learned counsel appearing on behalf of the petitioner that



the entire implication of this petitioner is based upon the fact that he is the land owner. It is submitted that it is a criminal prosecution and merely on the fact that the petitioner is a land owner he cannot be implicated with present criminal case. It is submitted that it is not a case where the occurrence took place between the four corner of the wall, rather it is a common practice of locality to fence their field with electric wire to save their cultivation from local animals like *nilgai* etc., therefore, it cannot be said that deceased husband of the informant who is resident of the same village was not aware about such type of practice. It is conceded though during argument that fencing of field with live current wire is an illegal act but as far criminal liability is concerned merely on the basis of suspicion being owner of the field cannot be said founded upon. It is submitted that even as per FIR petitioner was not found to engage himself in fencing the field in actual or by using his employee.

5. Arguing further, it is pointed out that even



independent witnesses failed to support the involvement of this petitioner with present crime in question during investigation. While concluding arguments, it is submitted that petitioner is a man of clean antecedent.

6. Learned APP opposes the prayer of bail.

7. Mrs. Archana Shahi, learned senior counsel for the informant while opposing the prayer of bail submitted that petitioner alongwith his family members who are Arti Kumari and Rinku Devi were found indulged in collecting the wire after the occurrence to save themselves which was witnessed by informant herself. It is submitted that after public cry the petitioner left the place of occurrence leaving collected/ dismantled wiring which was seized by the police. It is submitted that the petitioner being owner of the land is under obligation to explain that who fenced the wire surrounding field and therefore, his custodial interrogation is required, and as such his this prayer of anticipatory bail be outrightly rejected. It is submitted that the informant lost her



husband aged about 35 years. It is submitted that as per oral directions of this Court while passing order of "**no coercive on 17.11.2025**", the Court directed that the parties must settle the issues amicably but instead of settlement *qua* compensation accused person refused to join any settlement and started saying that he will face the trial.

8. Taking note of aforesaid submission, it is submitted by Mrs. Vaishanvi Singh, that if parties failed to arrive on any amicable compensation, for this tortious act, informant is free to file a suit for appropriate compensation against petitioner and may approach concerned DLSA/ district authority under victim compensation scheme as available under section 357(A) Cr.P.C. / 396 of BNSS.

9. In view of aforesaid factual submission and by taking note of fact as *prima-facie* informant is not the eye witness of the erecting fencing and, merely on the basis of suspicion as petitioner is the owner of land, in issue,



which was said to be fenced, implicated with crime in question, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM 1<sup>st</sup> Class, West Muzaffarpur /concerned Court, where the case is pending in connection with Kudhani P.S. Case No. 08 of 2025, subject to the conditions as laid down under Section 482(2) of BNSS.

10. Learned DJ, Muzafarpur cum chairman of DLSA, Muzaffarpur is directed to consider the compensation petition of informant, if any, in accordance with law.

**(Chandra Shekhar Jha, J)**

Sudha/-

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