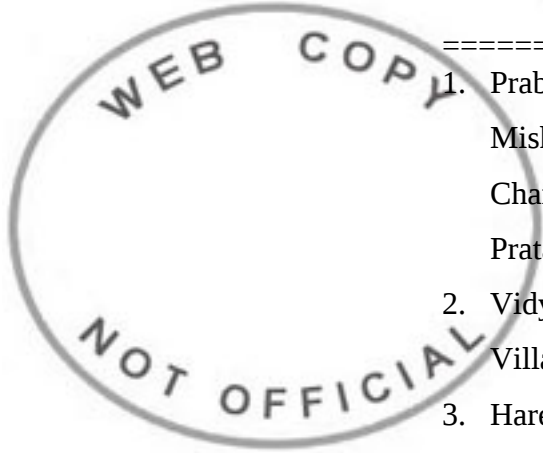


IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41037 of 2014

Arising Out of PS.Case No. -197 Year- 2013 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)



- =====
1. Prabhunandan Mishra @ Prabhu Mishra, son of Late Sheo Chandra Mishra, r/o Village- Damodarpur Mathia, P.S. Malahi District East Champaran, Headmaster Government Utkramit Middle School, Sareya Pratap Tola, P.S. Paharpur, District- East Chamapran
 2. Vidyawati Devi @ Vidyarthi Devi, w/o Late Vishwanath Prasad, r/o Village- Anandpuri, Bibiganj, P.S. and District- Muzaffarpur
 3. Harendra Prasad Harendra Kushwaha, son of Jagdish Prasad, r/o village Sareya, Tilanga Tola, P.S. Paharpur, District- East Champaran
 4. Krishna Devi, w/o Sheo Kumar Mahato, r/o village Sareya, Briti Tola, P.S. Paharpur, District- East Champaran
 5. Sima Devi, w/o Raj Kishore Giri r/o village Sareya, Pratap Tola, P.S. Paharpur, District- East Champaran
 6. Shambhu Ram, s/o Nageshwar Ram r/o village Sareya, Jagiri Tola, P.S. Paharpur, District- East Champaran
 7. Savita Kumar Devi @ Savita Devi, w/o Arvind Singh r/o village Gahiri Muralia Tola, P.S. Paharpur, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

2 04-03-2015

Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend arrest in connection
with Paharpur P.S. Case No. 197 of 2013 dated 14.08.2013

instituted under Sections 304/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioner no.1 is the Headmaster of Middle School, Sareya, Pratap Tola in the district of Motihari and the rest are teachers and staff in the said school who have been falsely made accused in the case. Learned counsel submits that the incident was purely accidental as the concerned boy for no obvious reason was inside the dilapidated room and the roof fell crushing him leading to his death. It is submitted that the petitioners, being the teachers and staff, cannot be said to have committed the crime and further the prosecution story cannot be believed for the simple reason that had the petitioners been responsible for forcibly making the children work and remove the bricks from the dilapidated room then only the victim would not have been affected and there would have been at least a few more persons who would have been injured but the same not being the case coupled with the fact that it was 02:30 in the afternoon which is almost the time for closure, it is more probable that the students were playing and the victim may have come in the room and somehow unfortunately the roof seems to have fallen down being the cause of his death. It is submitted that the petitioners, besides being government

servants have clean antecedent and there has not been any case of even negligence against them in the past. It is further submitted that the informant has also filed compromise petition.

Learned A.P.P. submits that the petitioners were looking after the affairs of the school and thus have to take responsibility.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within four weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in Paharpur P.S. Case No. 197 of 2013, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J)

Ashwini/-

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