

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8133 of 2015

Arising Out of PS.Case No. -130 Year- 2011 Thana -POTHIYA District- KISANGANJ

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1. Kishun Kumar Agarwal @ Kishan Kumar Agarwal Son of Late Ayodhya Prasad Agrawal, Resident of S.F. Road Near Jalpaiguri, P.S. - Siliguri, District - Darjeeling (W.B.).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate.

For the Opposite Party/s : Mr. Bharat Lal(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-03-2015 Heard both sides.

The petitioner apprehends his arrest in Pothia P.S. Case No. 130 of 2011, registered for the offences punishable under Section 304 and other Sections of the Indian Penal Code.

The police officer made allegation that one goods train derailed and one oil tanker was lying on the spot. One Vinit Kumar Arya had purchased the oil tanker. Tarachand Ghosh received the work order for removing the oil tanker from the accident site, but precautionary measure was not taken and due to negligence fire broke out in which four labours got burn injuries, out of which one died on the spot.

Learned counsel for the petitioner submits that the petitioner is representative of Vinit Kumar Arya the owner of oil tanker. Tarachand Ghosh had taken the work order and under his instruction

the oil tanker was being removed from the place of accident. The petitioner was not authorized to do any work, therefore, he did not commit any negligence. On similar facts Kalyan Ray Chowdhary @ Kalyan Ram Choudhary the engineer of the railway has already been granted anticipatory bail vide Cr. Misc. No. 5531 of 2015.

Having considered the facts aforesaid and the fact that no allegation of any negligence is alleged against the petitioner as the petitioner was representative of Vinit Kumar Arya and work order was taken by Tarachand Ghosh under whose supervision the oil tanker was being removed from the place of accident, the petitioner, 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, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Pothia P.S. Case No. 130 of 2011, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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