

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.913 of 2015

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Achchhe Lal @ Acchelal Son of Sri Ramchij Resident of Village - Amawe,
P.O- jajauli No-2, P.s.- Bhimpura, District - Balia (U.P), at present posted
as Senior Sectional Engineer/Rail Line/ Karhagola Road, Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.5548 of 2015

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Arising Out of PS.Case No. -23 Year- 2013 Thana -KHAGARIA GRP CASE District- KHAGARIA

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Satyavrat Mahto Son of Haldhar Mahto Resident of vill-Ichahatu,P.S-
Sonahatu,Distt.-Ranchi(Jharkhand)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.913 of 2015)

For the Petitioner/s : Mr. Ved Prakash Srivastva

For the Opposite Party/s : Mr. Satyendra Nr. Singh(App)

(In Cr.Misc. No.5548 of 2015)

For the Petitioner/s : Mr. Gajendra Kumar Jha

For the Opposite Party/s : Mr. Rina Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-05-2015 As both these cases arise out of same police station case

number, they have been heard together and are being disposed of

by this common order.

The petitioners are apprehending their arrest in
connection with Nuagachia Rail P.S.Case No. 23 of 2013
instituted under Sections 308, 285, 286, 287, 506 and 427 of the

Indian Penal Code and Sections 151, 152, 153, 154 and 175 of the Indian Railways Act, 1989.

Heard learned counsel for the petitioners and the State.

For the occurrence dated 25.11.1013 occurred between 12.06 P.M., the informant Ajay Kumar Srivastava, Loco Pilot, Sonapur Division has lodged FIR against unknown accused wherein it is mentioned that the informant was driving train no.19602 up N.J.P.Udaypur City Express which hit the trolley of Engineering department as a result of which the engine of train caught fire which was extinguished by water and sand with the help of the villagers. It is also mentioned in the FIR that due to negligent driving of trolley the occurrence took place.

It has been submitted on behalf of the petitioners that the petitioner Achchhe Lal @ Acchelal is an employee posted as Sectional Railway Engineer in Open Line of the Railway and the petitioner Satyavrat Mahto is the Engineer of the Construction Department, Head Office.

It has been submitted on behalf of the petitioners that the petitioners are employees of the Railway and from perusal of FIR it appears that it is a case of accident and there was no causality in the accident.

It is submitted on behalf of the State that in course of

investigation specific allegation has come against the petitioners that there is laches on their part.

Considering the fact that it is a case of accident and no causality has taken place, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of five weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Khagaria in connection with Naugachia Rail P.S.Case No. 23 of 2013,G.R.No. 118 of 2013, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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