

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6333 of 2016

Arising Out of PS.Case No. -49 Year- 2015 Thana -BHOJPUR GRP CASE District- BHOJPUR

1. Amit Kumar Yadav, Son of Deen Dayal Singh, resident of Village- Mangolpur, P.S. Itarhi, Distt- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.6412 of 2016

Arising Out of PS.Case No. -49 Year- 2015 Thana -BHOJPUR GRP CASE District- BHOJPUR

1. Gautam Kumar Son of Dukhan Yadav resident of Village Pirmohani, P.S. Gandhi Maidan District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.6333 of 2016)

For the Petitioner/s : Mr. Sheo Jee Mishra

For the Opposite Party/s : Mr. Madan Kumar(App)

(In Cr.Misc. No.6412 of 2016)

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Ram Bachan Singh (App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 26-02-2016 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

These applications, for grant of anticipatory bail, arises out of Buxar Rail Police Station Case No. 49 of 2015, disclosing offences under Sections 279, 287 and 338 of the

Indian Penal Code and Sections 151 (2), 153 and 154 Railway Act.

From the First Information Report, it appears that there took place an accident on the alleged date of occurrence when Guwahati-Bikaner express train collided with a tractor, bearing No. BR-44G/4003. Upon enquiry, it was found that the tractor was being used for filling earth on the surface of the platform, in contravention of the terms and condition of the agreement. The accident, as per the First Information Report, is said to have taken place because of the negligence on the part of the driver of the tractor.

The petitioner of Criminal Misc. No. 6412 of 2016 is the contractor and on whose instance, it is alleged, the earth filling was being done; whereas, the petitioner of Criminal Misc. No. 6333 of 2016 is the driver of the said tractor.

Learned Counsel representing the petitioners have submitted that even if the prosecution case is taken to be true, no criminal offence is made out against them. It is further submitted that keeping in view the nature of the accusation against them, no tangible purpose would be served if they are taken into custody, since they are ready to co-operate with the police in course of investigation at

any stage.

Considering the submission, as above, these applications are allowed.

Let the petitioners, Amit Kumar Yadav and Gautam Kumar, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Ara (Bhojpur), in connection with Buxar Rail Police Station Case No. 49 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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