

IN THE HIGH COURT OF JUDICATURE AT PATNA**Criminal Miscellaneous No.26057 of 2016**

Arising Out of PS.Case No. -55 Year- 2015 Thana -THARTHARI District- NALANDA
(BIHARSHARIFF)

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1. Uma Prasad Yadav, S/O Misri Yadav, Resident of Village- Sivanpur,
P.S.-Nursarai, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash -Advocate

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey-APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 14-07-2016 Heard learned counsel for the petitioner as well as
learned APP for the State.

Deceased, Mrityunjay Kumar aged about 14 years had gone to tuition on 03.06.2015 at about 7:00 a.m. but did not return. On account thereof, informant, father along with others went in search and during course thereof, they reached to Chhoti Chharyari where the dead body of his son was found. It has further been disclosed that his son was crushed under POKLANE machine. It has also been disclosed that Bachchan Singh, Uma Prasad Yadav (petitioner), contractor are responsible for the aforesaid mishap.

From perusal of the case diary, it is evident that none had claimed to be an eyewitness to the occurrence. Apart from this, petitioner has not been identified as driver of POKLANE

machine rather witnesses at para-55 and 56, have stated that petitioner, Uma Prasad Yadav along with Umesh Yadav were employed by the contractor as guard and further, they have also stated that there happens to be negligence at their part along with the driver as well as contractor in not providing necessary caution as for the purpose of construction of water reservoir, earth was dug up-to 30 feet in depth. They have imagined that the deceased might have fallen in ditch and subsequently thereof, might have been victimized during course of excavation by the POKLANE machine.

Moreover, one of the co-accused Umesh Yadav is found bailed out under Cr.Misc. No.17458/2016. That being so, petitioner, Uma Prasad Yadav is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of ACJM, Hilsa, Nalanda in connection with Tharthari PS Case No. 55/2015.

(Aditya Kumar Trivedi, J)

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