

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49793 of 2016

Arising Out of PS.Case No. -53 Year- 2016 Thana -VALMIKINAGAR District-
WESTCHAMPARAN(BETTIAH)

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1. Abhimanyu Sharma S/o Late Kameshwar Sharma R/o Village - Olaha,
P.S. - Harsidhi, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Sri Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 09-12-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 287 of the Indian Penal Code and Section 3 of the Prevention of Damage to Public Property Act, 1984.

The petitioner was a clerk. On the date of occurrence he was assigned the duty to note the flow of water of Balmiki Nagar Gandak Baraz. Allegation is that due to negligence of the petitioner and others excess water flew causing damage to the public property.

Submission is that there is no direct evidence regarding damage etc. Others were also responsible and at worst, it may be a case of negligence of a government servant and not a



case of criminal liability.

Let, the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bagaha, West Champaran/Successor Court in connection with Valmikinagar Police Station Case No. 53 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Birendra Kumar, J)

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