

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36760 of 2017

Arising Out of PS.Case No. -374 Year- 2016 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Mayank Saxena, son of Subodh Saxena, resident of village Belbanwa, P.S. Town Motihari, District East Champaran
 2. Suresh Mahto, son of Sona Mahto, resident of village Belbanwa, P.S. Town Motihari, District East Champaran
 3. Basir Ali, son of Farijuddin Mian, resident of village Belbanwa, P.S. Town Motihari, District East Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar

For the Opposite Party/s : Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-08-2017

Heard learned counsel for the petitioners.

The petitioners are apprehending their arrest in connection with Hardsidhi P.S. Case No. 374 of 2016 registered for the offences punishable under Sections 304/34 of the Indian Penal Code.

Petitioner No.1 is Manager of Varsana Ispat Limited, petitioner No.2 is Engineer and petitioner No.3 is contractor and allegation is that they have fixed a electric pole, which fell down causing death of two persons in the occurrence.

It has been submitted on behalf of the petitioners that there was no intention on their part behind the occurrence and, as a matter of fact, the pole has broken down which caused injuries to



the deceased and they succumbed to the injuries. It has also been submitted that petitioners are Government Officials and they are ready to abide by any condition that may be imposed by this Court on them if bail is granted.

Heard learned APP also.

Having heard both sides and in view of facts and circumstances, let the petitioners, named above, surrender in the court below within a period of four weeks from the date of receipt/production of a copy of this order and on their so surrendering they shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran, Motihari, in connection with Harsidhi P.S. Case No. 374 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further conditions that :-

- (i) One of the bailors should be a local person having sufficient immoveable properties within the jurisdiction of court concerned,
- (ii) Petitioners shall co-operate in the investigation and make themselves available before the police as and when required and



in the event of failure on their part to appear before the police on two consecutive dates, the prosecution shall be free to move for cancellation of their bail bonds,

- (iii) Petitioners will not induce any witness or tamper with the evidence.

(Vinod Kumar Sinha, J)

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