

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3049 of 2017

Arising Out of PS.Case No. -9 Year- 2017 Thana -SC/ST District- VAISHALI(HAJIPUR)

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1. Vivek Kumar Gupta @ Vivek Gupta, S/o Surendra Prasad, Senior Project Manager, Godrej & Boyee Mfg, Co. Ltd.
 2. Chandan Kumar @ Chandan Jha, S/o Bijay Kumar Jha, Project Manager, Godrej & Boyee Mfg.Co. Ltd.
 3. Aman Kumar S/o Sahadeo Prasad Singh, Contract Management Engineer, Godrej & Boyee Manufacturing Co. Ltd. All at 6th Floor, Grand Plaza Apartment , Frazer Road, P.S.- Kotwali, District- Patna, having also an office at Yusufpur, Sinha Palace beside Sinha Homeo and Research Centre, P.S.- Industrial Area, Hazipur, District- Vaishali.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gouranga Chatterjee

For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 05-12-2017

The appellants have challenged the order dated 25.08.2017 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Vaishali, Hajipur in connection with SC/ST Hajipur P.S. Case No. 09 of 2017 dated 14.03.2017 instituted for the offences under Sections 326, 307, 420, 406 of the Indian Penal Code and Section 3(1)(r), 3(1)(s) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989, whereby their prayer for being released on anticipatory bail has been rejected.

The informant and few others were allegedly



asked by the accused persons including the appellants to provide help in fixing of electric pole. The informant and others were made to fix the pole without disconnecting the electric line which was passing over head. This actually led to burn injuries on the person of the informant and others.

Learned counsel for the appellants has submitted that the contractor is some other person who has been arranged as accused no. 1, whereas the appellants, who are the employees of Godrej company, are not at all concerned with either fixing of the pole or any other work. In fact, the appellants were not even present at the place of occurrence. It has also been submitted that the allegation of the informant that he was made to sign on a blank piece of paper is also absolutely incorrect. It appears that appellants have unnecessarily been made accused in this case and the provisions of the SC & ST (Prevention of Atrocities) Act have only been added in order to give serious color to the case.

For the facts stated above, the order dated 25.8.2017 is set aside.

The appellants are directed to be released on bail in the event of their surrender before learned Court below within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like



amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Vaishali at Hajipur in connection with SC/ST Hajipur P.S. Case No. 9 of 2017.

(Ashutosh Kumar, J)

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