

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6343 of 2017

Arising Out of PS.Case No. -25 Year- 2016 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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1. Sikandar Prasad Son of Mahadev Sah, Resident of Village- Govindapur Bazar, Police Station- Harsidhi, District- East Champaran.
2. Lal Babu Prasad @ Lal Babu Sah @ Lal Babu Pd. Son of Late Ramjee Sah, Resident of Village- Koraiya, Police Station- Turkauliya, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sheikh Abbad son of Late Sheikh Gauri, Resident of Village- Koraiya, P.S.- Turkauliya, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 28-03-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Sugauli P.S. Case No.25/16 registered under Section 304/34 of the Indian Penal Code.

The allegation of the complainant/ informant Sk.Abbas that his villager Lal Babu Prasad, petitioner no.2 asked him to send his son, Sheikh Ehsannul @ Sheikh Muntajir for job in the Pure Water Distribution Company, Sugauli of his relative, petitioner no.1, where your son will get Rs.3500/- per month.



Thereafter the son of the informant reached there and started the work of labourer. but till three months the son of the informant was not paid wages. Then he used to pressurize for his wages. Thereafter petitioner no.1 asked him to drive tempo for supply of water. While his son was not knowing about driving but on pressure he started to drive the tempo and one time his tempo turtled. On 30.08.2015 while the son of the informant was driving the tempo but his tempo was dashed at Chhagraha Railway crossing by the train and he died during course of his treatment.

Learned counsel for the petitioners submits that, in fact, the tempo which was being driven by the son of informant was dashed at the railway crossing by the train and on the information of the informant of the present case U.D. Case NO.09/15 was instituted and the police submitted final report. But the informant with ulterior motive has lodged a Complaint Case No.2243/15 on 05.10.2015 against the petitioners under Section 304/34 of I.P.C. on which basis present case i.e., Sugauli P.S. Case No.25/16 is instituted.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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 C.J.M., East Champaran at Motihari, in connection with Sugauli P.S. Case No.25/16, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

AnilKrSinha/-

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