

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2282 of 2018

Arising Out of PS.Case No. -110 Year- 2017 Thana -DEO District- AURANGABAD

- =====
1. Aklesh Singh @ Akhilesh Singh, S/o Late Surendra Prasad Singh
 2. Baliram, S/o Rambachan Singh
 3. Amresh Mahto, S/o Ganesh Prasad Mehta, All are R/o Vill. - Satwat, P.S. -
Deo, District - Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 09-08-2018

Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 12.04.2018 in Deo P.S. Case No. 110 of 2017 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Aurangabad in connection with the aforesaid case registered under Sections 304, 308, 370 of the Indian Penal Code as well as Sections 3(2)(v) of the SC/ST Act.

The informant and several others were working as labour on the work site of contractor Kishore Singh. Some of the



workers took and drank water from the hand pump which was giving dirty water. Complaint was made to the appellants regarding aforesaid fact but the appellants who were Munsis of the aforesaid contractor did not pay heed. After consuming dirty water, two of the labours died.

Submission is that this may be a case of simple negligence because none of the appellants were aware that water of the hand pump was not consumable nor any previous complaint was there.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the nature of allegation, let the appellants, above named, in the event of their 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 bonds of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants as well as condition that both the bailors shall be resident of within the



territorial jurisdiction of the learned court below.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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