

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.924 of 2018

Arising Out of PS. Case No.-70 Year-2017 Thana- THAWE District- Gopalganj

Diwakar Kumar Mishra @ D. K. Mishra @ Diwakar Kr. Mishra, Son of Raj Kishore Mishra, Resident of Village- Bujurg Bangara, P.S.- Barharia, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bajarangi Lal

For the Opposite Party/s : Mr. MUKESHWAR DAYAL

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-02-2018 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Thawe P.S. Case No. 70 of 2017 registered for the offence punishable under Sections 304/34 of the Indian Penal Code.

The allegation against the petitioner is that one of the students of the school i.e. the daughter of the informant had fallen in the septic tank and thereafter died during the course of treatment. It is further alleged that on account of the carelessness of the management of the school, the daughter of the informant died on account of falling in the under constructed septic tank.



The learned counsel for the petitioner submits that the aforesaid incident is purely accidental in nature and the petitioner being the Director of the school had ensured that utmost care was taken to provide best treatment to the daughter of the informant, however, she could not be saved. It is further submitted that the matter has been compromised between the parties.

Having regard to the facts and circumstances of the case, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Thawe P.S. Case No. 70 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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