

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.908 of 2018

Arising Out of PS.Case No. -53 Year- 2016 Thana -VALMIKINAGAR District-
WESTCHAMPARAN(BETTIAH)

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1. Shatrughan Ram S/o Khekha Ram, R/o Village- Paharpur, P.S.-
Paharpur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Sri S.M. Rahman

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 15-01-2018 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 Valmikinagar P.S. Case No. 53 of 2016 registered for the offence punishable under Section 287 of the Indian Penal Code and Section 3 of the Prevention of Damage to Property Act, 1984.

The allegation is that the accused persons, who were given the work of noting down the height of the flow of water of Gandak Baraz, Valmikinagar derelicted in their duties and on account of negligence of the accused persons, excess water had flown through one of the gates causing damage to the public property.

The learned counsel for the petitioner submits that the



petitioner is a simple peon in the said department and no damage could have occurred on account of dereliction of duty on the part of the petitioner herein. It is further submitted that in any view of the matter, there is no allegation of any damage etc. and at best, the accused persons are said to have been negligent in carrying their duties, but no criminal offence is made out. It is further submitted that three co-accused persons have already been granted anticipatory bail by this Court, copies of orders whereof have been annexed in the present petition.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner above named, 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 anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bagaha, West Champaran in connection with Valmikinagar P.S. Case No. 53 of 2016 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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