

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.517 of 2018

Arising Out of PS.Case No. -3 Year- 2018 Thana -SOHSARAI District- NALANDA
(BIHARSHARIFF)

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1. Pawan Kumar S/o Late Birendra Prasad, R/o Village- Bhagan Bigha,
P.S.- Rahui, District- Nalanda.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar, Adv.

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

For the Informant : Mr. Pramod Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 26-02-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned 1st Additional Sessions Judge, Nalanda at Biharsharif in connection with Sohsarai P.S.Case No. 03 of 2018 registered under Section 304 of the Indian Penal Code as well as under Sections 3(1)(viii) of the Scheduled Castes and Scheduled Tribes Act.

The deceased was fixing an Iron Gate in the school premises of this appellant. The Iron Gate fell upon him, as a result whereof, he died.

Learned counsel for the appellant submits that



this may be a case of negligent worker, which caused death of the victim, for which the appellant cannot be held liable.

On the other hand, learned counsel for the informant opposed the prayer for anticipatory bail on the ground that a witness stated before the police that the appellant was forcing on the deceased to do the work in absence of the required infrastructure and manpower.

Considering the nature of allegation, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of 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 appellant 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 appellant.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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