

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3825 of 2019

Arising Out of PS. Case No.-53 Year-2016 Thana- VALMIKINAGAR District- West
Champaran

-
1. Manish Tiwary, Son of Kameswar Tiwary Resident of Village- Valmiki Nagar, P.S. Valmiki Nagar, District- West Champaran.
 2. Manish Kumar, Son of Pramod Kumar Resident of Village- Valmiki Nagar, P.S. Valmiki Nagar, District-West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra, Advocate.

For the Opposite Party/s : Mr. Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 25-01-2019 Heard the learned counsel for the petitioners
and the State.

The petitioners seek bail in anticipation of their arrest in connection with Trial No. 4739 of 2018 arising out of Valmiki Nagar P.S. Case No. 53 of 2016 dated 22.07.2016 instituted for the offences under Section 287 of the Indian Penal Code and Section 3 of the Prevention of Damage to Property Act.

The allegation in the FIR is that the petitioners and others were entrusted with the responsibility of keeping a vigil on the Gandak Barrage, Valmiki Nagar. However because of the petitioners and others not being serious and conscious of their duty, excess water was allowed to flow through one of the sluice gates, causing damage to public property.



Learned counsel for the petitioners has submitted that the petitioners were not entrusted with the aforesaid task and he has falsely been framed in this case. Under similar circumstances, one of the accused persons has been granted anticipatory bail. It has further been submitted that no specific responsibility/role has been assigned to the petitioners in the FIR and even in case the petitioners are found to be negligent, no criminal liability can be fixed.

Considering the aforesaid aspects, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-I, Bagaha (West Champaran) in connection with Trial No. 4739 of 2018 arising out of Valmiki Nagar P.S. Case No. 53 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

