

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1176 of 2020**

Arising Out of PS. Case No.-109 Year-2018 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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Sunil Kumar Mandal @ Sunil Thekedar Son of Sri Sarju Mandal Resident of
Village - Charghara, P.O. and P.S.- Karma Tar, Distt - Jamtara (Jharkhand)

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr.Vasant Vikas

For the Respondent/s : Mr.Sujit Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-11-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For
Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the appellant is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

Heard the parties.

The matter relates to grant of anticipatory bail to the
appellant in connection with Bakhtiyarpur (Barh) Rail P.S. Case
No. 109 of 2018 registered for the offences under Sections 337,
338, 285, 288, 324, 326, 304, 307/34 of the Indian Penal Code
and Sections 3(2)(V,) of the SC/ST Act.



Allegedly, in course of discharging the duty of putting electric wire of NTPC, the labourers were got electrocuted.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has been made accused in the present case due to mistake of fact. The appellant is a contractor. Accidental death is said to have taken place as the deceased got electrocuted because of the live wire which was there. The appellant had no intention or any knowledge to cause death to the victim. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 22-01-2020 passed by learned Additional District & Sessions Judge-VIII-cum-Special Judge, SC/ST Act, Patna in Bakhtiyarpur (Barh) Rail P.S. Case No. 109 of 2018 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellant, above named, in the event of arrest or surrender before the learned court below



within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VIII-cum-Special Judge, SC/ST Act, Patna in connection with Bakhtiyarpur (Barh) Rail P.S. Case No. 109 of 2018.

(Sudhir Singh, J)

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