

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28201 of 2020**

Arising Out of PS. Case No.-163 Year-2019 Thana- DAUDNAGAR District- Aurangabad

Indrajeet Kumar @ Ralson Mahto @ Sipahi @ Ralson, Male, aged about 30 years, S/o Yogendra Prasad, Resident of Kara, Police Station Daudnagar, District Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Nivedita Nirvikar, Advocate

For the Opposite Party/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

3 07-12-2020 Heard both sides through video conferencing.

The petitioner seeks bail in Daudnagar P.S. Case No.163 of 2019, registered under Sections 304 and 34 of the Indian Penal Code.

The informant, father of the deceased, alleged that his son was engaged in cleaning a mixture machine of a brick kiln and while his son was cleansing the machine, the petitioner, son of the owner of the brick kiln, started the mixture machine by starting tractor and one hand of the son of the informant was chopped off and another was badly damaged and on account of such injury, the son of the informant died.

Mrs. Nivedita Nirvikar, learned counsel for the petitioner submits that the petitioner is innocent and he has not



committed any act of rash and negligence. The petitioner had no knowledge that the deceased was cleansing the mixture machine with some articles. In fact it was an accident and while the machine was mixing soil, the petitioner went there and tried to clean the wheel of the machine. Only thereafter such accident took place. It is further submitted that the father and other witnesses are not the eye witnesses of the occurrence. The deceased was a worker in the brick kiln. The owner of the brick kiln, namely, Yogendra Prasad, the father of the petitioner, and Tuntun Singh @ Nagendra Prasad Singh who had engaged the deceased in the brick kiln have already been granted anticipatory bail by order passed in Cr. Misc. Nos.46218 of 2019 and 46109 of 2019. The petitioner is in jail since 13.05.2020.

The learned Additional P.P. opposed the prayer for bail and submitted that there is allegation that it was the petitioner who caused the mixing machine to run after giving power from the tractor by starting the tractor. It is submitted that on account of the negligence of the petitioner, the son of the informant died.

It appears that the informant himself later on disclosed that his son died in an accident and there was no culpable



negligence on the part of the petitioner causing the death of his son.

It appears that the accident took place in the brick kiln where the son of the informant was engaged. On account of running of mixing machine, his both hands entangled in the wheel of the machine while he was cleansing the machine and he got injury. Subsequently the son of the informant died. Other two accused persons have already been enlarged on bail.

Taking into consideration the facts aforesaid, petitioner, namely, Indrajeet Kumar @ Ralson Mahto @ Sipahi @ Ralson is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Daudnagar, Aurangabad in connection with Daudnagar P.S. Case No.163 of 2019.

(Prabhat Kumar Jha, J)

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