

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2819 of 2021

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

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OM PRAKASH S/o Late Ram Anugrah Prasad Singh Resident of
Kankarbagh, Near Paani Tanki, P.S.- Kankarbagh, District- Patna, (Senior
Section Electric Engineer Railway), At present Chief Administrative Officer,
Construction, Electric, Mahendru Ghat, P.S.- Pirbahor, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Vasant Vikas

For the Respondent/s : Mr.Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-09-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual mode.

The present matter has been taken up out of turn on
the mentioning slip filed on behalf of the appellant as the
appellant happens to be Railway Employee and due to the
present case, the appellant is not able to attend the office. The
mentioning slip filed on behalf of the appellant be kept on
record.

Learned counsel for the appellant submits that the
limitation, as pointed out by the office, be condoned in the light
of the order dated 08.03.2021, passed by the Hon'ble Apex
Court, in Suo Motu Writ Petition (Civil) No. 03 of 2020.



Considering the submissions made on behalf of learned counsel for the appellant, the limitation, as pointed out by the office, is condoned.

Learned counsel for the appellant is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The appellant has challenged the order dated 24.02.2021 passed by learned A.D.J.-III-cum- Special Judge, SC/ST, Patna in ABP No. 7926 of 2020 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, 307, 34 of the Indian Penal Code in which section 304 was added later on and 3(2)(v) of the SC/ST (Prevention of Atrocities) Act whereby the prayer made on behalf of the appellant for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that accused persons abused the informant and others and because of negligence of accused persons, the informant and others got burn injury and one of the persons later succumbed to injuries.

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 falsely been implicated in the present case. The appellant has been made accused due to mistake of fact. During the electrification work relating to Railways, a labour died due to electrocution. It was an accidental death. At best, it is a case for an offence under Section 304A I.P.C. The petitioner is an Electrical Engineer in Railways. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

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

Considering the aforesaid facts and circumstances, the order dated 24.02.2021 passed by learned A.D.J.-III-cum-Special Judge, SC/ST, Patna in ABP No. 7926 of 2020 in connection with Bakhtiyarpur (Barh) Rail P.S. Case No. 109 of 2018, is set aside.

The appeal stands allowed.

Let the appellant above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned A.D.J.-III-cum-Special Judge, SC/ST, Patna in connection with



Bakhtiyarpur (Barh) Rail P.S. Case No. 109 of 2018.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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