

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38715 of 2021

Arising Out of PS. Case No.-44 Year-2021 Thana- MAHESHKHUNT District- Khagaria

1. SANJAY KUMAR Son of Brahmadeo Singh Resident of Village- Chandi Tola Banni, Ward No.8, Police Station- Maheshkhunt, District- Khagaria.
2. Sudhir Kumar @ Sudhanshu Son of Rajendra Singh Resident of Village- Chandi Tola Banni, Ward No.8, Police Station- Maheshkhunt, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sugandha Prasad, Advocate
For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-05-2022 Heard learned counsel for the petitioners and
learned APP for the State through virtual mode.

Learned Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in a case registered under Section 304 of the Indian Penal Code.

Prosecution case, in short, is that on 08.03.2021 at about 3:30 p.m., the informant, B.D.O. Gogari got information that wall of Bunni Chandi Tola got collapsed, resultantly six labourers died due to the said accident, who were engaged in constructing the canal and road. Said wall was constructed



under the local engineering area Gogari and all involved persons in the said construction of wall committed negligence, due to that the wall got collapsed.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been made accused due to mistake of fact. From perusal of the F.I.R. itself, it appears that the death is said to have taken place due to fall of wall. Even accepting the same for the sake of argument, at best an offence under Section 304A of I.P.C. is attracted in the present case. No offence under Section 304 of I.P.C. is made out. The petitioner No.1 is agent of the contractor and petitioner No.2 is a labourer.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioners, 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/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Khagaria in connection with Maheshkhunt P.S. case



No.44/2021, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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