

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38773 of 2021**

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

BIRENDRA KUMAR SINGH @ BIRENDRA SINGH S/o Late Chaturi
Singh R/o village- Banni Chanditola, P.S.- Maheshkhunt, District- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, 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 petitioner and learned
APP for the State through virtual mode.

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

The petitioner is apprehending his 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 petitioner that the



petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has 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 is a practising advocate.

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

Considering the facts and circumstances of the case, the petitioner, 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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