

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34812 of 2022

Arising Out of PS. Case No.-118 Year-2022 Thana- MADHUBAN District- East Champaran

1. Amit Kumar Son Of Vishwanath Prasad Resident Of Mohalla- Chakia, P.S.- Madhuban, District- East Champaran
2. Vishwanath Prasad Son Of Late Vindah Sah Resident Of Mohalla- Chakia, P.S.- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mani Bhushan Kumar
For the Opposite Party/s : Ms.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-11-2022 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304/34 of the Indian Penal Code.

As per the prosecution case, on the alleged date and time occurrence the accused persons constructing market near Gandhi Chowk, Madhuban. Co-accused Vinod Kumar (Contractor) sent four labourers including son of the informant into the septic tank which was being constructed without taking any safety measure and after sometime when no response came from the labourers, with the help of local people all the four persons were brought out from the septic tank in unconscious



condition and they were sent to Madhuban Hospital from where they were referred to some other hospital, where son of informant and one Masoom were declared dead.

It is submitted that petitioners are not the Contractor in question and they are simply owner of the market and it was the duty of Contractor to ensure the safety measures to whom the work of construction was given and under whose guidance the construction work was going on. Petitioners claim clean antecedents.

Considering the facts aforesaid, the petitioners above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned District & Sessions Judge, East Champaran in connection with Madhuban P.S. Case No. 118 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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