

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43142 of 2022

Arising Out of PS. Case No.-312 Year-2018 Thana- SHERGHATI District- Gaya

MD. MISBAHUDDIN Son of Md. Kalimuddin Ansari Resident of village - Zahurabad, Post- Saraiyan, P.s. Krishnagarh, District - Bhojpur (Bihar). Presently resides at Mohalla - New Karimganj, P.S.- Gaya civil Lines, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43923 of 2022

Arising Out of PS. Case No.-312 Year-2018 Thana- SHERGHATI District- Gaya

IMTEYAZ ALAM S/O LATE SHARFUDDIN AHMAD R/o Mohalla- Old Karimganj, Gali No- 9, M.T. Lane, Gaya, P.S.- Civil Line, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 43142 of 2022)

For the Petitioner/s : Mr.Arvind Kumar Singh, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP.

(In CRIMINAL MISCELLANEOUS No. 43923 of 2022)

For the Petitioner/s : Mr.Arvind Kumar Singh, Adv.

For the Opposite Party/s : Mr.Nagendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-11-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is directed to remove the defects within four weeks.

Petitioners apprehend their arrest in a case registered for



offence punishable u/s 288 and 304 of the IPC.

Allegedly, the work of digging pond was being done under MNREGA scheme which was being done through Jivika. During the pond digging work all of sudden a big slab of morum fallen down due to which daughters in law of the informant, namely, Kabootri Devi and Lalita Devi died at spot as no security arrangement was made by the responsible person at the site.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and has committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. It is further submitted that the enquiry report of responsible Government official also finds out towards the fact that the deceased died in accident while doing labour work for which the petitioners cannot be held liable. Learned counsel for petitioners further submitted that similarly situated co-accused has been granted anticipatory bail in Criminal Miscellaneous No. 5931/2022 vide dated 05.04.2022. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case,



there is no specific allegation against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Shergatti (Dobhi) P.S. Case No. 312 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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