

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 20490 of 2022**

Arising Out of PS. Case No.-68 Year-2021 Thana- NOKHA District- Rohtas

CHANDRASHEKHAR SAH @ CHANDRA SHEKHAR SAH SON OF
RAJENDRA SAH R/O- VILLAGE-RAM NAGAR, WARD NO.- 13, P.S.-
NOKHA, DISTRICT-ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Vipin Kumar Singh, Advocate
For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

6 31-01-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Nokha Police Station (for brevity, **PS**) Case No 68 of 2021 dated 08.04.2021 registered for the offence punishable under Sections 409, 420, 304, 120B of Indian Penal Code.

The water tank, constructed under the **Nal-Jal Yojna**, has collapsed when it was filled up with water leading to injuries to some villagers as well as death of a person.

Learned counsel for the petitioner submits that from bare reading of the First Information Report, it is obvious that the offence alleges collective responsibility against the Ward Members, Secretary and the Engineers, who were required to ensure the quality of work. The water was filled in the tank without any clearance and, therefore, the unfortunate incident has occurred for which the petitioner, by virtue of being a Ward Secretary, cannot be held responsible solely. He has no antecedent and he is in custody since 06.09.2021. Five



other co-accused persons, namely, Kavita Devi, Jyoti Chaudhary, Sharda Devi, Ram Pravesh Pandey and Amar Paswan, however, have been allowed anticipatory bail by this Court by orders dated 13.05.2022, 16.05.2022, 13.05.2022, 13.05.2022, 13.05.2022 passed in Cr Misc No 46581 of 2021, Cr Misc No 16089 of 2022, Cr Misc No 1961 of 2022, Cr Misc No 45282 of 2021 and Cr Misc No 46945 of 2021 respectively.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, nature of accusation, claim based on parity, clean antecedent, period of custody as well as the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Rohtas at Sasaram in Nokha PS Case No 68 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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