

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43916 of 2023

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

LALAN KUMAR S/o- Ramchandra Singh Village- Bihat Ps- Barauni Dist-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Maheshkhunt P.S. Case No. 44 of 2021 dated 09.03.2021, instituted for the offence punishable under Section 304 of the Indian Penal Code.

3. The prosecution case, in short, is that on 08.03.2021 at about 3:30 pm, the informant, who is the B.D.O. Gogari, got information that the boundary wall of school in Bunni Chandi Tola got collapsed, as a result of which six labourers, who were engaged in constructing the canal and road, died. The 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.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner is the Contractor, who constructed the said wall approximately one year prior to the date of the occurrence. Learned counsel further submitted that 4' feet pit was being digged by the J.C.B due to which the wall collapsed. It is submitted that work was going on under three schemes (1) Work of pipe under P.H.E. department, (2) Work of Constructing compound wall and (3) Work of drainage and the petitioner has no concern with any of these works. It is further submitted that petitioner is not named in the FIR and his name has been added later in the FIR as he was the Contractor of the collapsed wall. Learned counsel further submitted that similarly situated other co-accused persons namely Hare Krishna Pathak @ Sobhakant Pathak, Sanjay Kumar @ Sudhir Kumar, Birendra Kumar, Pankaj Kumar, Dinesh Kumar and Prabhas Kumar have been granted anticipatory bail by different Co-ordinate Benches of this Court *vide* Criminal Miscellaneous No. 38017 of 2021, Criminal Miscellaneous No. 38715 of 2021, Criminal Miscellaneous No. 38773 of 2021, Criminal Miscellaneous No. 38653 of 2021, Criminal Miscellaneous No. 74350 of 2022 respectively. Lastly, it has been submitted that



the petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Maheshkhunt P.S. Case No. 44 of 2021, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, Khagaria, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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