

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37701 of 2023

Arising Out of PS. Case No.-517 Year-2022 Thana- FALKA District- Katihar

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1. MD. ATAULLAH SON OF MD. UMAR ALI RESIDENT OF VILLAGE-KARAMATPUR PS- FALKA (POTHIA), DISTT- KATIHAR
 2. FIROJ ALAM SON OF MD. TAIMUL ALAM RESIDENT OF VILLAGE-KARAMATPUR PS- FALKA (POTHIA), DISTT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Singh, Adv.
For the Opposite Party/s	:	Mr.Kumar Veerendra Narayan, APP
For the Mines Dept.	:	Mr.Naresh Dikshit, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-08-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 304 of the IPC and M.M. (D & R) Act 1957, Environment Protection Act, 1986 and Mining and Mineral Development Regulation Act, 2019.

3. As per the prosecution case, upper part of the chimney of the brick kiln blasted and eight persons got injured and were admitted in hospital. Some were sent for better treatment, in which, one person died in course of treatment. It is alleged that due to technical fault of the Taj brick kiln owners including the petitioners, the said occurrence has taken place and due to their negligence the laborers got injured and one of them died.

4. It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. It is submitted that the petitioners have given the due compensation to the injured persons and the family of the deceased, which is clear from Annexure-3 of the bail petition. There is no specific overt act against the petitioners. Petitioners have no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the Mines department opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioners and due compensation has already been paid to the victims and deceased, 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 Falka (Pothia O.P.) P.S. Case No.517 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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