

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48766 of 2023**

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

=====

Mohammad Malik Kastur @ Malik Kastur @ Malek Kastur S/O Md. Samir  
R/O Maulanachak Gurumaula, P.S- Barari, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.I, APP

=====

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      25-08-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 304 of the Indian Penal Code and M.M. (D & R) Act, 1957, Environment Protection Act, 1986 and Mining and Mineral Development and Regulation Act, 2019.

3. As per prosecution case, during the course of flaming the fire into the brick kiln, there was a sudden blast in the upper part of the chimney and total six labours were injured. One injured, namely, Manish Kumar died during the course of treatment at Sadar Hospital, Purnea. It was alleged that the brick klin was being run negligently which caused injury and death of



labourer.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Petitioner was falsely implicated in this case due to ulterior motive. He further submits that petitioner has given the due compensation to the injured persons and the family of the deceased, which is clear from Annexure-3 of the bail application. Similarly situated co-accused, namely, Md. Ataullah and Firoj Alam have been enlarged on bail by this court vide order dated 17.08.2023 passed in Cr. Misc. No. 37701 of 2023. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Considering the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his 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) 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) P.S. Case No. 517 of 2022,



subject to the condition as laid down under Section 438 (2) of  
the Cr.P.C.

**(Anjani Kumar Sharan, J)**

saubhkrinha/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

