

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46998 of 2023

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

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JAMIL AKHTAR@ JIMAL AKHTAR S/O ABDUL BASIR R/O Bandh
Pawai Bakhari, P.S- Barari, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the State	:	Mr. Narendra Kumar Singh, APP
For the Dept of Mines	:	Mr. Naresh Dixit, Advocate
		Mr. Brij Bihari Tiwari, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-08-2023 Heard the learned counsel for the petitioner and the

State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Falka (Pothia) P.S. Case No. 517 of 2022,
registered for the offences punishable under Section 304 of the
Indian Penal Code.

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. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has been falsely implicated in this case due to ulterior motive. It is submitted that the due compensation has been given 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. It is further submitted similarly situated co-accused Md. Ataullah and Firoj Alam have been enlarged on anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 17.08.2023, passed in Cr. Misc. No. 37701 of 2023.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated that the petitioner has no criminal antecedent.

7. However, the learned APP for the State has opposed



the prayer for bail.

8. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court, in connection with Falka (Pothia) P.S. Case No. 517 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

9. The learned counsel for the petitioner is directed to



remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/-

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