

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31254 of 2024

Arising Out of PS. Case No.-22 Year-2019 Thana- SONPUR RAIL P.S. District- Saran

Laxman Ram Son of Jagdev Ram Resident of Village- Paharichak Sonapur,
P.O- Sonapur, P.S- Sonapur Bihar 841101

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amaresh Kumar Jha, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Sonapur Rail Police Station Case No. 22/2019 dated 03.02.2019 for the offence punishable under Sections, 279, 336, 337, 338, 304(A)/34 of the IPC and Section 153 and 154 of the Railway Act.

3. It is alleged that on 02.02.2019 at about 11:10 AM, the informant caught Simanchal Express train at Katihar Railway Station and the passengers of Coach No. S-9 were raising noise regarding irregularities in the train. Further on 03.02.2019, the informant, all of a sudden, heard a noise in the train and saw that the passengers were falling on one another. His compartment along with engine was separated from other



compartments. Passengers came out of the compartment and saw that 9-10 compartments got derailed and overturned from the track near Sahdei Bujurg Railway Station. He started searching and saw the dead body of his uncle Samsuddin Alam, Anjar Alam and grandmother Shaida Khatun were lying below.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only on the basis that he was a key-man and was responsible for the maintenance of the railway track. Learned counsel further submits that a departmental proceeding has been initiated against the petitioner but till date the petitioner has not been found responsible. The FIR has been lodged against the unknown persons for the accident which took place near Sahdei Bujurg Railway Station. It is further submitted that even after lapse of a good span of time, the department concerned has not been able to ascertain the cause of accident nor has fixed the responsibility upon any person. Learned counsel next submits that, today itself, similarly situated accused persons, namely, Shatrudhan Pd. Yadav and Ajeet Kumar have been granted anticipatory bail by this Court *vide* Cr. Misc, No. 31086 of 2024. Apart from this, two other similarly situated accused persons, namely, Anil Kumar and



Krishnadeo Prasad have already been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court *vide* order dated 30.04.2024 passed in Cr. Misc. No. 27844 and 28724 of 2024 respectively. Petitioner claims clean antecedent.

5. Considering the submissions advanced on behalf of the learned counsel for the petitioner and similarly situated accused persons have been granted privilege of anticipatory bail by this Court and by a Co-ordinate Bench of this Court, prayer for anticipatory bail of the petitioner stands allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Railway Judicial Magistrate, Sonapur, Saran in Sonapur Rail Police Station Case No. 22/2019, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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