

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37618 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- BYPASS District- Patna

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Pankaj Kumar son of Raj Kumar Resident of village- Bhoothnath Road P.S.-
Agam Kuan, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms.Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 03-07-2024 1. Heard learned Counsel for the petitioner and

learned APP for the State.
2. This application, for grant of anticipatory bail,

arises out of Bypass PS case no. 46 of 2024, disclosing

offences punishable under Sections 285, 427, 436 of the

Indian Penal Code.
3. The prosecution story, as per the First

Information Report lodged by the Circle Officer, Patna Sadar,

is that on the basis of instruction given to him by S.D.O.

Patna, the informant reached at Agam Kuan, Rasidchak at

godown of Balaji Refining Industries, where fire was being

extinguished by the fire brigade. When the informant

inquired, he came to know that due to unknown reasons, fire



took place in the godown of Pankaj Kumar (Proprietor), in which one drum of mobil was kept. The incident of fire caused damages to residential building of Arun Kumar, situated near the godown. The godown was sealed by the informant at the instruction of superior officials.

4. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case due to ulterior motive. Learned counsel further submits that incident of fire has taken place due to spark caused by the vehicle, which had brought the drum. The accidental fire has taken place inside the godown but the fire did not cause any loss of life or injury to anyone except some damages to the adjacent house owner and damage to the petitioner himself but the adjacent house owner has not filed any complaint in this regard. He next submits that Balaji Refining Industries is registered Partnership Firm which deals in collecting used mobil oil and the same is refined, recycled and then sold to the retailers/ wholesalers. The petitioner being the proprietor of Balaji Refining Industries has obtained necessary permission and licence from various authorities including the Bihar State Pollution Control Board. From perusal of Annexure-3, it would be evident that the petitioner was



having authorization in used or spent oil to the extent of 2000 KLA. For regulating, marketing and business, the petitioner firm has registered office at Rasidchak, Patna, wherein small quantity of used mobile is collected as raw material and after making the entry, the same is sent to the workshop situated at Industrial Area, Fatuha. On the date of occurrence, only one drum was kept for making necessary entries and the vehicle which had brought the drum, caused accidental fire in the Office-cum-Godown of the Firm. He also submits that there was no mischief or negligence on the part of the petitioner in causing fire.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that only one drum of mobil was found in the Office-cum-Godown of the petitioner causing fire due to spark of the vehicle and no injury has been caused to any person, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned A.C.J.M.-VI, Patna City, Patna in connection with Bypass PS case no. 46 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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