

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1327 of 2018

Arising Out of PS. Case No.-58 Year-2009 Thana- KHAGARIA RAIL P.S. District- Khagaria

1. Binod, Son of Late Ajab Lal, Resident of Village P.O. P.S.- Pasraha, District-Khagaria.
2. Mahendra Mandal, Son of Late Hanuman Mandal, Resident of Village- Gua Gachi, P.O.- Hemkunj Kishanpur, Police Station- Manihari, District-Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Jayram Sharma, Adv
For the Respondent/s	:	Mr.Satyavarat Verma, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

7 18-03-2024 The instant Revision is directed against the order dated 20th of August, 2018, passed by the learned Addl. Chief Judicial Magistrate, Khagaria, in G.R (R) No. 106 of 2009, whereby and whereunder the petition of the petitioners along with eight other accused persons praying for discharging them from the charges was rejected.

2. In order to ascertain the issue, the following facts are necessary. On 7th of October, 2009, at about 11:00 PM, the informant was travelling by Amrapali Express bearing Train No. 5708 and when the said train was about half a kilometre west from *Pasraha* Station and about four and a half kilometres east



from *Gochhari* Station, it had met with an accident. The engine of the train fell down from track in the northern ditch just by the side of the railway track and two compartments were badly damaged. 12 passengers were wounded and one of whom died subsequent to the accident.

3. It is urged on behalf of the petitioners that the petitioners are Gang-Men of Gunity No. 19. The accident took place on the railway track, which was not strong between Gang No. 19 and Gang No. 20. The reason for weak railway track was due to the negligence of Railway Track Inspector, Engineer and the Director and other Superior Officers who were responsible for maintaining the railway track. However, the officers of Railway Department were relieved of their responsibilities. They are not facing criminal trial. On the other hand, poor Gangmen were implicated in the instant case.

4. The petitioners narrated the entire incident, stating, inter alia, that they do not have any responsibility for the said accident, but they were not discharged by the learned A.C.J.M. Khagria. It is also argued by the learned Advocate for the petitioners that the petitioners' names were not ascertained during the investigation by the Investigating Officer.

5. I have carefully perused the case diary. The



names of the petitioners were first stated in paragraph no. 438 of the case diary and their negligent role was said to be attributed for the said accident. In paragraphs 456 and 466, the names of the petitioners were recorded as responsible for the said accident. The learned Magistrate found *prima facie* case against the petitioners/accused persons so he framed charge against the accused as there was strong suspicion against the accused persons, resulting in the unfortunate accident.

6. The petitioners will get the chance to rebut the charges by cross-examination of the witnesses on behalf of the prosecution and also by adducing the defence witnesses.

7. For the reasons stated above, I do not find any merit in the instant Criminal Revision, and accordingly, the same is considered and dismissed on contest. However, there shall be no order as to cost.

(Bibek Chaudhuri, J)

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