

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.119 of 2024

Arising Out of PS. Case No.-648 Year-2023 Thana- JHAJHA RPF/POST District- Lakhisarai

NAVLESH KUMAR YADAV @ NAVLESH YADAV S/O ROMAN YADAV
@ DOMAN YADAV R/O VILLAGE- BASMATIYA, P.S.- LAKHISARAI,
DISTRICT- LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 24-01-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of R.P.F. Post Jhajha Police Station Case No. 648 of 2023, dated 10.07.2023, disclosing offence under Section 153 of the Indian Railway Act.
3. The prosecution case, as per the First Information Report, is that the tractor, owned and driven by the petitioner, while filling soil during the construction of road, had collided with rear portion of the engine of a goods train near level crossing gate no. 54/C, at 413/11 KM. The act of the driver of the tractor has been alleged to be gross



negligence.

4. Learned Counsel for the petitioner submits that the petitioner has been made accused on the basis of the fact that information regarding filling of soil and construction of road was not given to the Section Engineer/Engineer of the Eastern Railways. He further submits that the fact of the matter is that the contract, having Contract No. LOA No. 10778690068966, dated 12.12.2022, was awarded to the contractor Kiran Raj Construction, Patna, and the work near the level crossing was going on, in which the contractor had hired the tractor, owned and driven, by the petitioner. He further submits that the petitioner was not responsible for giving information regarding the work to the Railways and it was the duty of the contractor to inform regarding resumption of construction work and filling of soil to the Railway Engineer.
5. Regards being had to submissions advanced on behalf of the parties and taking into consideration the fact that the petitioner was hired by the contractor, who was awarded the construction work, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.



7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks from today, 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 Railway Judicial Magistrate, Kiul, in connection with R.P.F. Post Jhajha Police Station Case No. 648 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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